

**From:** Cox, Taylor  
**Sent:** Thur 8/13/2015 5:19:24 PM  
**Subject:** RE: CO Mine Spill Clips - 8/13

**Fox Business**

<http://www.foxbusiness.com/industries/2015/08/13/will-epa-get-same-treatment-as-private-sector-after-mine-spill/>

**Will EPA Get Same Treatment As the Private Sector After Mine Spill?**

Matthew Rocco

August 13, 2015

The Environmental Protection Agency has come under mounting criticism over a large toxic spill that contaminated Colorado's Animas River, impacting businesses and farmers in the surrounding area.

The mess began Aug. 5 when an EPA contractor was conducting a cleanup at the Gold King mine, which was abandoned in 1923. The crew accidentally released 3 million gallons of wastewater containing lead, arsenic and other contaminants into the Animas River.

Gina McCarthy, the head of the EPA, visited southwest Colorado Wednesday and plans to be in New Mexico Thursday amid criticism over the agency's response to the spill. The flow of wastewater was three times the EPA's initial estimate.

So far, cleanup costs have surpassed \$100 million, based on an estimate from the U.S. Geological Service. Costs associated with the cleanup and related damage fall on the EPA, although those funds may come from additional taxpayer money approved by Congress.

On Wednesday, McCarthy said water quality in the Animas River is back to "pre-event conditions."

However, it could take months, even years, before officials determine the full extent of the damage. The mine water has spread beyond the Animas River to the San Juan River in New Mexico and Utah.

## Business Impact

Farmers are still waiting for word that Animas River water is safe to use for irrigation. Business owners are feeling the immediate impact of the spill, too, saying tourism has taken a hit.

“The business interruption is real, and it’s been severe for the paddle-sports and rafting industries,” Andy Corra, co-owner of 4Corners Riversports in Durango, Colo., told the FOX Business Network. “We’re a tourist town, and we have several small companies that depend on their summer revenue and the tourists.”

Corra said the river returned to its natural color once the plume moved downstream, but he does not expect the river to be reopened until at least early next week.

“It’s been tough on small businesses. Basically, the rafting companies are shut down,” Corra added.

## Who’s Responsible?

Normally, funds for dealing with polluted mines in Colorado come from bonds posted by each mining firm. The bonds cover potential cleanup costs, but numerous mines such as Gold King were abandoned decades ago. As a result, federal and state agencies have taken charge of dealing with those mines.

A Missouri-based EPA contractor, Environmental Restoration, was working on the Gold King

mine when the spill occurred, according to The Wall Street Journal.

According to the Denver Post, the attorneys general of Colorado, New Mexico and Utah left open the possibility of filing a lawsuit against the EPA after the botched cleanup.

“Imagine what would happen if a private company caused this waste spill,” New Mexico Gov. Susana Martinez said in a statement last week.

Martinez added that the EPA “should demand the same of itself as it would of a private business responsible for such a spill.”

#### EPA vs. Private Sector

In 2009, Alaska Gold had to pay a \$900,000 fine for polluting storm water, according to the EPA. Elgin Mining, a Canadian company, paid \$3.2 million last year for alleged Clean Water Act violations that included destroying streams.

On a larger scale, Massey Energy was fined \$20 million by the EPA in 2008 after mine runoff tainted waterways in West Virginia and Kentucky over the course of seven years. The company also promised to spend \$10 million in cleanup costs and upgrades.

Hydrologic Technician Ryan Parker gathers water samples from the San Juan River, Tuesday, Aug. 11, 2015, in Montezuma Creek, Utah. (Source: AP)

Massey Energy is the firm that owned the West Virginia mine where 29 miners were killed in an explosion in 2010. Massey Energy was later sold to Alpha Natural Resources, a coal producer that filed for bankruptcy in July.

The EPA's largest-ever environmental fine was levied against BP, which recently agreed to pay \$18.7 billion tied to the 2010 oil spill in the Gulf of Mexico.

Wilbur Ross, chairman of private equity firm WL Ross & Co., questioned whether the EPA and government officials will feel the same heat.

"I think there's that good old saying, if you live in a glass house, you shouldn't throw stones. The EPA has been very good at throwing stones at private industry. It doesn't seem to be so good at managing its own affairs," Ross said during a discussion on "Mornings with Maria."

"If this was a private-sector company doing it, they'd be calling for the resignation of the CEO [and] they'd probably talk about bringing criminal charges. I bet nobody will lose their job over this."

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### **Lake Powell Chronicle**

[http://www.lakepowellchronicle.com/v2\\_news\\_articles.php?heading=0&story\\_id=4881&page=77](http://www.lakepowellchronicle.com/v2_news_articles.php?heading=0&story_id=4881&page=77)

### **Water samples collected at Lake Powell, Lees Ferry**

Steven Law

August 13, 2015

The Arizona Department of Environmental Quality sent a team of water quality monitoring professionals to Lake Powell earlier this week to collect water samples throughout Lake Powell and also at Lee's Ferry.

As of Thursday morning the team is gathering baseline samples, against which future samples will be tested to monitor if Lake Powell shows a rise in heavy metal concentrations.

A week ago more than 3 million gallons of mine tailings, containing high levels of heavy metals, flowed into the Animas river, and from there into the San Juan River, after an EPA clean up crew accidentally broke the dam, which released the gold mine's toxic waste water.

The latest evidence suggests that the heavy metals settled out when they reached the San Juan River delta, which is where the San Juan River meets the placid waters of Lake Powell.

For the complete article see the 08-13-2015 issue.

**From:** Cox, Taylor  
**Sent:** Thursday, August 13, 2015 12:24 PM  
**Subject:** RE: CO Mine Spill Clips - 8/13

**CBS – Denver**

<http://denver.cbslocal.com/2015/08/13/thursdays-mine-spill-timeline-epa-chief-visits-new-mexico-to-see-spill-fallout/>

**Thursday's Mine Spill Timeline: EPA Chief Visits New Mexico To See Spill Fallout**

AP

August 13, 2015 11:59AM

The head of the Environmental Protection Agency is visiting Farmington, New Mexico, to see how officials are dealing with the fallout from the Colorado mine waste spill that traveled downstream.

EPA Administrator Gina McCarthy is scheduled to meet with state, local and tribal officials Thursday and address reporters on a trail along the Animas River.

The visit follows her stop upstream in Durango, Colorado, on Wednesday. There, McCarthy said she was heartbroken by the spill and announced that investigation field work would stop at mines nationwide as the agency looks into what led up to last week's disaster.

An EPA-led crew accidentally unleashed 3 million gallons of wastewater containing metals such as arsenic, lead and iron.

Colorado says it's now safe for Durango to process river water into drinking water.

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### **The Denver Post**

[http://www.denverpost.com/news/ci\\_28626632/animas-river-lawsuit-against-epa-table-colorado-ag](http://www.denverpost.com/news/ci_28626632/animas-river-lawsuit-against-epa-table-colorado-ag)

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### **Animas River spill leaves Colorado, neighbors weighing EPA lawsuit**

Jesse Paul

August 12 at 11AM – UPDATED August 13 at 5AM

DURANGO — The attorneys general of Colorado, New Mexico and Utah said Wednesday that a lawsuit against the Environmental Protection Agency is an option in the wake of a massive mine wastewater spill caused by the agency.

All three, however, agreed that it's too early to say if they will sue.

"I would hope that it would not be necessary," Colorado's Cynthia Coffman, a Republican, said of a suit in an interview with The Denver Post. "The statements by the (EPA's administrator) indicate the EPA is accepting responsibility for the accident. The question is: What does that mean? What does accepting responsibility mean?"

Coffman met Wednesday with her counterparts from New Mexico, Democrat Hector Balderas, and Utah, Republican Sean Reyes, in Durango to discuss their options and any legal response to the catastrophe. While the three million-gallon spill began in the Animas in Colorado, contaminants have since flowed into all three states.

The attorneys general meeting came as EPA chief Gina McCarthy visited Durango on Wednesday and is scheduled to appear in Farmington, N.M., on Thursday.

"Some of (McCarthy's statements) were not direct, were not transparent," Coffman said.

The wastewater spilled into Cement Creek and then into the Animas River on Aug. 5 after it was released by the EPA at the Gold King Mine near Silverton. It is one of many mine sites in the area that is releasing heavy metals into the river's flow.

The attorneys general said their goal is to make sure the people they represent are adequately reimbursed and cared for in the spill's wake. In New Mexico, Balderas said there have been hay shortages and fears of livestock calamities.

The trio said they have reached out to legal representation for the Navajo Nation and the Southern Utes, who were also in the path of the contaminated water, to ensure their voices, too, are heard.

Many residents in the path of the toxic spill have called for legal action against the EPA, including business hurt when the river they rely on was closed by authorities.

"It's a crime scene," Ginny Brown, who has lived in Durango for more than two decades, said Tuesday near the Animas' banks.

Roger Zalneraitis, who heads up La Plata County's economic development alliance, said he was reassured by what Coffman told him of her commitment to protecting Coloradans impacted by the EPA's fault.

"This has happened to the river before," he said of the Animas. "We are going to come back a better city and region."

Coffman said a claims process set forth by the EPA this week is a start, but it remains to be seen if it will be enough.

"I expect EPA to hold itself to the same standards that it would hold a state or local government if we had this type of incident and certainly a private corporation if they had this type of toxic discharge," Coffman said.

Coffman said any potential legal action taken against the EPA would look at natural resource damages, costs of remediating the river and the surrounding land and any wildlife impacts.

"With heavy metals discharge like we're seeing, from a mine with arsenic, lead and copper and cadmium, my understanding is you don't often see the results in fish for two to three years," she said. "As heavy metals sink they become a part of the river and have a longer term impact."

## **CNN**

<http://www.cnn.com/2015/08/13/us/colorado-abandoned-mines-epa/>

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**Contaminated water from Colorado mines an ongoing problem**



Ashley Fantz

UPDATED – August 13, 2015 at 11:49

One week after an Environmental Protection Agency cleanup effort at a dormant mine turned into a disaster, the agency announced it is halting all EPA field work in mines.

More than 3 million of gallons of wastewater from the Gold King Mine spilled into the nearby Animas River, turning it an alarming mustard hue.

The photos of the yellow-orange river were widely shared and have brought attention to a longstanding challenge that many were unaware of: how to regulate, treat and pay for the upkeep of abandoned and dormant mines in Colorado and across the country.

How many mines exist in the United States that are similar to the Gold King Mine?

The Gold King Mine hasn't operated since 1923.

The EPA has been overseeing abandoned mine lands -- which can include bodies of water and surrounding watershed -- for many years. The mines can pose "serious threats to human health and the environment," the EPA says on its website, so the agency initiates and supervises the examination of these sites and tries to maintain or clean them up. The agency lists more than 15 case studies it has conducted of abandoned mines across the country, mostly in the West in states such as Colorado, Montana and California, but also in Vermont and Tennessee.

Earthworks is a Washington-based nonprofit environmental group that works with communities near mines. The scientists and activists who work for the group have been concerned since the 1990s about contamination leaking from old, inactive or abandoned mines.

The group wrote a report in 1993 which said that there were more than half a million abandoned

hardrock mines in 32 states.

How dangerous could these mines be?

Those half a million mines, Earthworks says, have produced 50 billion tons of untreated, unreclaimed mining wastes on public and private land. The report notes that wastes can include arsenic, asbestos, cadmium, copper, cyanide, iron, lead, mercury and sulfur, among other material, and produce airborne pollutants.

In Colorado this week, leading toxicologists say there could be health effects for many years from heavy metals such as mercury and lead that spilled into the water of the Animas River. Exposure to high levels of these metals can cause many health problems, including cancer and kidney disease, and also lead to developmental problems in children.

"Oh my God! Look at the lead!" said Joseph Landolph, a toxicologist at the University of Southern California, after looking at the amount of lead in the Animas River, which was nearly 12,000 times higher than the acceptable level set by the EPA.

"This is a major, major problem," said Jonathan Freedman, a toxicologist at the University of Louisville.

River toxic spill: 'This is a real mess'

In its latest statement, however, the EPA predicted the water would not have harmful effects on the health of people or animals.

"Based on the data we have seen so far, (the EPA doesn't) anticipate adverse health effects from exposure to the metals detected in the river water samples from skin contact or incidental (unintentional) ingestion," the agency said. "Similarly, the risk of adverse effects to livestock that may have been exposed to metals detected in river water samples from ingestion or skin

contact is low."

How did the leak happen and how did the EPA initially respond?

On August 5, Environmental Protection Agency workers were trying to place a pipe into the opening of the mine to collect wastewater and prevent it from polluting Cement Creek and the Animas River. Before the spill, water carrying "metals pollution" was flowing into a holding area outside the mine.

Though it's unclear still exactly how the mistake was made, the EPA said the spill occurred when one of its teams was using heavy equipment to enter the mine near Durango, Colorado.

EPA Administrator Gina McCarthy apologized Tuesday for the spill and said, "I don't have a complete understanding of anything that went on in there. If there is something that went wrong, we want to make sure it never goes wrong again."

The amount of polluted water spilled was triple what the EPA originally estimated. The EPA first said 1 million gallons had rushed out. The U.S. Geological Survey then reported the size of the spill to be more than 3 million gallons. Blue water turned mustard-yellow and coursed into New Mexico within days. The EPA said this week it is helping provide water delivery to areas where water sources are contaminated.

How concerning was the Gold King Mine before the leak?

Earthworks' policy director Lauren Pagel, who gave congressional testimony about abandoned mines in 2013, told CNN that the Gold King Mine had been leaking acid mine drainage for years.

Acid drainage into water "often will make it too acidic for aquatic life to exist," she said.

But the Gold King Mine is not the only mine that is leaking.

Meeting minutes of the Animas River Stakeholders Group show monthly discussions over wastewater leaks, pollution levels and efforts to address the problem.

The pollution from the mines has generally decreased since the 1990s and 2000s, according to reports, but has gotten worse in some areas.

How are locals reacting?

Several political leaders have expressed outrage at the EPA spill and declared states of emergency, but the Navajo Nation was the first to say it would take legal action against the federal government.

"They are not going to get away with this," Navajo Nation President Russell Begaye said. "The EPA was right in the middle of the disaster, and we intend to make sure the Navajo Nation recovers every dollar it spends cleaning up this mess and every dollar it loses as a result of injuries to our precious Navajo natural resources."

Begaye also instructed the Navajo Nation Department of Justice to take action against the EPA.

In a release from the New Mexico Environment Department, state engineer Tom Blaine pulled no punches, saying, "Despite the fact that EPA did not notify New Mexico directly and took no action to alert New Mexicans to the potential danger, we took steps to ensure the protection of our water users in the area."

The attorneys general for Colorado, Utah and New Mexico said they might sue the federal government individually or collectively, though Colorado Attorney General Cynthia Coffman

said, "It is too early to know if litigation is necessary or appropriate."

In a statement, the Utah attorney general's office said that all three states support an independent review of the mishap in addition to the EPA's review.

Can a state or individuals sue the EPA?

Citizens and others can sue any responsible party under the Clean Water Act citizen suit provision, said Pagel. The Clean Water Act and case law surrounding liability under that law is clear, but while the EPA team caused the disaster, the company that currently owns the mine site and any company associated with the pollution previously are also liable under the law, she said.

"It's sort of like suing yourself because any money the EPA pays out comes from us, the taxpayers," said Pagel.

## **Ledger Gazette**

<http://www.ledgergazette.com/epa-suspends-investigative-field-work-at-mine-sites-nationwide/25526/>

## **EPA Suspends Investigative Field Work at Mine Sites Nationwide**

Shaun Bartel

August 13, 2015

And largely because the federal government inadvertently triggered the release, it has vowed to pay the bill.

With a research budget in excess of \$800 million, EPA has long appeared to be more concerned with public relations than public or environmental health.

“We didn’t have a big fish kill in the river”, said Jim White, an aquatic biologist with Colorado Parks and Wildlife.

“We will hold ourselves to a higher standard than anyone else”, she said.

McCarthy is also expected to speak in Farmington today and to meet with Navajo Nation President Russell Begaye and his administration. Disaster declarations remain in place in Colorado and New Mexico. There have been previous efforts to turn the area around the Gold King Mine into a Superfund site, which would fast-track funds for the containment of any toxic waste. They are continuing to watch the river and take water samples.

“We have roughly 73 million gallons of untreated water in reserve”, Rays said.

“Abandoned hard-rock mines in the mountains above Silverton have been a source of water pollution for many years”.

On Wednesday, the chairmen of the House Oversight and Subcommittee on the Interior called for the EPA to investigate the Colorado spill. Experts say the heavy metals and other materials are still there, though, in the river beds.

Instead, workers accidentally collapsed part of the mine entrance, sending 3 million gallons of contaminated water directly into the river.

“No agency can be more sorry”, she said of the EPA. Pictured from left are Farmington Mayor Tommy Roberts, Aztec Mayor Sally Burbridge, Bloomfield Mayor Scott Eckstein and Kirtland Mayor Mark Duncan.

Still, she and the attorneys general from New Mexico and Utah say they stand ready to protect the rights of their states' residents and ensure they are compensated for immediate and long-term damage caused by the spill.

"It takes years for sediments to clean once acid mine drainage has been removed", Stednick said.

"We're closely engaged because we think this is a multistate tragedy", he said. The attorneys general support this. Ellen Roberts, a Republican who represents Durango, said she didn't appreciate the campaign.

Along slow-moving stretches of river, the metals collect in sediments and gravel along river bottoms, which harbor fish eggs and larvae from aquatic insects. EPA officials said the company's crews worked under the direction of the EPA in consultation with Colorado's Division of Reclamation, Mining and Safety.

The EPA has previously said that state, local and federal authorities had agreed to keep the Animas and rivers closed to all fishing, recreation and intakes of water for drinking and irrigation until at least August. 17.

"We are working with affected systems to increase sampling and monitoring", said Dr. Larry Wolk, the state health department director and chief medical officer. "They're losing all their revenue".

ProgressNow's Amy Runyon-Harris sent out talking points Tuesday on the spill, which included, "Did the EPA "cause" the Animas River mine water spill?"

Utah Attorney General Sean Reyes said he's encouraged the EPA is taking responsibility, but is not ruling out a lawsuit against the federal government. The contractors "felt like they didn't have time to finish the job, so they backfilled the portal", Mr. Hennis says.

New Mexico Attorney General Hector Balderas said during the conference that he met with mayors, commissioners and emergency responders in San Juan County.

McCarthy says the latest water testing results show that the river in Durango has returned to its former condition.

Whether these abandoned mines were slowly killing the Animas, or it was washed in waste in one massive burst, the Animas, the lifeblood of so many who depend on her in the Silverton-Durango region and beyond into New Mexico, was not well.

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### **The Hill**

<http://thehill.com/policy/energy-environment/251031-trump-blasts-epa-over-mine-waste-spill>

### **Trump blasts EPA over mine waste spill**

Timothy Cama

August 13, 2015 11:10AM

Donald Trump excoriated the Environmental Protection Agency (EPA) over its recent spill of mine waste into a river.

The GOP presidential hopeful said the incident in Colorado that turned the Animas River bright orange further proves his point that the EPA's authorities should be put in the hands of state and local governments.

"This is all the more example why EPA, we should do it locally. We shouldn't be doing it from Washington," Trump told conservative radio host Hugh Hewitt on his Wednesday show.

Trump said the heavy metals in the sludge that spill out are "probably going to kill the fish, kill



everything. And it was totally their mistake. They opened the wrong door and all of this stuff spewed out.”

So far, state and federal officials have not found any impacts on the health of humans or wildlife from the spill.

Trump also said the spill shows hypocrisy on the Obama administration’s part, since the EPA punishes business owners like Trump for minor violations.

He said he might fire an EPA administrator if he or she were responsible for such a spill.

“Often times for a thing like this, you have to just get rid of them,” he said.

Sen. Marco Rubio (R-Fla.), another presidential contender, was on Hewitt’s show earlier Wednesday, and he said the EPA’s spill demonstrates its “incompetence.”

He lamented farmers and American Indian tribes who cannot use the river, and said the EPA has been completely unresponsive to them.

“It’s not just the crisis they’ve created, it’s their response to it that belies arrogance and this notion that ‘yeah, we’re sorry it happened, but we don’t need to give you any more information, because we’re the EPA and you can’t do anything to us,’ ” he said. “So I think it’s both competence and arrogance at play.”

EPA head Gina McCarthy announced Wednesday that the river’s metal and acidity had returned to pre-spill levels in the county where it started.

Meanwhile, the agency is conducting an internal review and commissioning an external one,

while it orders all EPA mining-related assessments across the country to be paused.

Various lawmakers and congressional committee are also pledging to investigate, and the House Oversight Committee is asking for an Inspector General probe.

**From:** Cox, Taylor  
**Sent:** Thursday, August 13, 2015 11:36 AM  
**Subject:** RE: CO Mine Spill Clips - 8/13

**NBC – San Diego**

<http://www.nbcsandiego.com/news/national-international/Damages-Toxic-Colorado-mine-spill-will-take-years-to-tabulate--321735692.html>

**Damages in Toxic Colo. Mine Spill Will Take Years to Tabulate**

Matthew Brown and P Solomon Banda

August 13, 2015

The spill of toxic wastewater from an abandoned gold mine high in Colorado's San Juan Mountains caused untold millions in economic disruptions and damages in three states — to rafting companies, Native American farmers unable to irrigate, municipal water systems and possibly water well owners. And largely because the federal government inadvertently triggered the release, it has vowed to pay the bill.

That bill could be years in the making. Attorneys general from Colorado, New Mexico and Utah vowed to ensure citizens and towns are compensated for immediate and long-term damages from the spill. But Colorado's attorney general, Cynthia Coffman, acknowledged it could be years before the full impact is known.

"We have to be vigilant as attorneys general, as the lawyers for the state, as protectors of the environment, to be sure that the assurances that we received today from the Environmental Protection Agency are the same in two years, in five years, even 10 years when we discover what the damage to the environment actually is," Coffman said Wednesday after she and her counterparts gathered in Durango.

EPA administrator Gina McCarthy said her agency took full responsibility for the spill, which was unleashed Aug. 5 when an EPA-supervised crew accidentally unleashed the torrent of wastewater from the Gold King mine. The plume of heavy metals, including arsenic and lead, flowed into southwest Colorado's Animas River and into the San Juan River in New Mexico.

McCarthy also said she had ordered agency personnel across the country to cease field investigation work on abandoned mines while the spill was investigated. EPA officials said they were seeking details on what the stop-work order means.

The Gold King spill was proving devastating to the Navajo Nation, which recently negotiated a settlement giving it rights to water from the San Juan River. The tribe plans to build a \$20 million water treatment plant in northwestern New Mexico to take in the extra volume of water granted by the settlement and provide a clean drinking source to more of the 16,000 families on the reservation who still haul water to their homes.

Heavy metals already were present in the tribe's underground aquifers, and "now those same things are dumped in the river," complained Rex Kontz, deputy general manager for the Navajo Tribal Utility Authority. He said meeting EPA standards for clean drinking water could double the plant's cost and require millions more in operating costs each year.

The EPA said it will be Monday at least, but perhaps take weeks more, before test results can help show what hazardous materials are in the water. The higher the concentrations, the higher the cost of removing heavy metals. And unlike some other Native American tribes, the Navajo are not swimming in casino cash.

"This new water coming in was the avenue to creating new development and creating long-term sustainability," Kontz said. "Now it's almost like your legs were cut out from under you."

Navajo farmers were nervously waiting for someone to announce that it's OK to irrigate their crops again. Just two weeks without water could wipe out their corn and alfalfa just before harvest, which represents an entire year's salary for some farming families.

Current Colorado law requires a mining company to post a bond to cover the eventual cost of cleanup before a permit is issued to start operations, said Tony Waldron, supervisor of mine programs for the state Division of Reclamation, Mining and Safety. If the company fails to clean up the site when the mine closes, the state uses the bond to hire a contractor to do the work.

In most cases, the bonds have been sufficient to cover the cost of cleanup when mine operators don't finish, Waldron said. The state has a fund it can use to make up the difference.

But the Gold King Mine isn't covered because it was abandoned in 1923, before the law was in effect. In the absence of an owner, the federal government was working with local residents and the state to do limited mitigation work in the area around the Gold King mine — one of a cluster of old and polluted mines perched more than 11,000 feet high — when the spill occurred.

Cleanup costs alone can be staggering — and continuous.

Colorado tightened its bond requirements in the 1990s after the operator of the Summitville gold mine in southern Colorado, Summitville Consolidated Mining Co., declared bankruptcy and couldn't complete a cleanup. Summitville became a federal Superfund site, with the EPA in charge.

The cleanup is ongoing because contaminated water continues to drain from the mine. The total cost to date is more than \$100 million, according to the U.S. Geological Service.

Authorities said Wednesday that the waste from the Gold King spill will continue to be dangerous when contaminated sediment gets stirred up from the river bottom.

"There will be a source of these contaminants in the rivers for a long time," said hydrologist Tom Myers, who runs a Nevada-based consulting business. "Every time there's a high flow, it will stir it up and it will be moving those contaminants downstream."

EPA spill liaison Nat Miullo suggested the danger from the spill had diminished with the dissipation of the initial burst of tainted water. Any future spike in contaminant levels caused by stirring up sediments would be "much, much smaller in scale," he said.

But environmental regulators in downstream New Mexico warned that it was crucial to determine where the contamination settles.

"Those are some of the longer-term issues that affect humans as well as wildlife," New Mexico Environment Secretary Ryan Flynn said.

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### **Forbes**

<http://www.forbes.com/sites/henrymiller/2015/08/13/epas-toxic-spill-shows-its-still-the-worst-regulatory-agency-in-history-but-perhaps-i-understate/3/>

## **EPA's Toxic Spill Shows It's Still The Worst Regulatory Agency In History (But Perhaps I Understate)**

Henry I Miller

August 13, 2015 5am

An EPA cleanup crew on August 5 accidentally caused a breach in an abandoned gold mine in the southwestern part of Colorado, spilling three million gallons of highly toxic mining waste that contaminated waterways in Colorado and New Mexico. Then the agency failed to notify downstream jurisdictions whose drinking water and recreational waterways were threatened.

To veteran EPA watchers, such monumental screw-ups are not surprising.

When I began my fifteen-year tenure at the FDA during the Carter Administration, I had been a lab scientist and had little knowledge of government. I soon discovered that there were foibles

of various kinds at the numerous regulatory agencies I interacted with, but EPA made by far the biggest impression. Their bureaucrats regarded science not as the basis for policy and decisions on individual products, but as a tool to be tortured to achieve ideological ends.

To my astonishment, I found that there were entire groups within EPA whose function it was to lie to the Office of Management and Budget and to Congress about the rationale for and impacts of their proposed regulations. And over the years, I discovered that there is a kind underground railway that conveys the most incompetent, disaffected and anti-industry employees from other regulatory agencies to EPA, creating a miasma of flawed governance.

The Animas River is pictured on August 11, 2015 in Durango, Colorado. The Environmental Protection Agency accidentally released approximately three million gallons of wastewater into the river from the Gold King mine last week. (Photo by Theo Stroomer/Getty Images)

During the two decades since I left government service, I've continued to watch EPA's shenanigans with a mixture of awe and vexation. In administrations Democratic and Republican alike, it has remained a paragon of waste, fraud and abuse, a corrupt Evil Empire in our midst.

With a research budget in excess of \$800 million, EPA has long appeared to be more concerned with public relations than public or environmental health. A scheme was exposed several years that would have diverted EPA "research" funds to pay outside public relations consultants up to \$5 million over five years to improve the website of the Office of Research and Development, conduct focus groups on how to polish the office's image, and produce ghostwritten articles praising the agency "for publication in scholarly journals and magazines."

This payola scheme is similar to the agency's longstanding practice of buying influence by doling out hundreds of millions of dollars each year to certain favored nonprofit organizations—money that, according to the inspector general and Government Accountability Office, is dispersed with no public notice, competition, or accountability. The GAO investigators documented systematic malfeasance by regulators, including: (1) making grants to grantees who were unable to fulfill the terms of the grants; (2) favoring an exclusive clique of grantees without opening the grants to competition; (3) funding "environmental" grants for activities that lack any apparent environmental benefit; and (4) failing to ensure that grantees performed the objectives identified in the grants.

I saw evidence of this while I was an official at the FDA. For some reason I was favored with periodic reports of the research funded by the EPA. The overwhelming majority of it was shoddy, irrelevant, and unpublishable.

It is understandable that EPA needs to resort to such chicanery to whitewash its shortcomings. Science is routinely used there as a tool to further its anti-technology and anti-industry agendas, even if it means distorting the intent of statutes and affronting common sense.

The EPA is the prototype of agencies that spend more and more to address smaller and smaller risks. In one analysis by the Office of Management and Budget, of the 30 least cost-effective regulations throughout the government, the EPA had imposed no fewer than 17. For example, the agency's restrictions on the disposal of land that contains certain wastes prevent 0.59 cancer cases per year—about three cases every five years—and avoid \$20 million in property damage, at an annual cost of \$194 to \$219 million.

In his excellent book *Breaking the Vicious Circle*, written shortly before he became a U.S. Supreme Court justice, Stephen Breyer cited another, similar example of expensive, non-cost-effective regulation by the EPA: a ban on asbestos pipe, shingles, coating, and paper, which the most optimistic estimates suggested would prevent seven or eight premature deaths over 13 years — at a cost of approximately a quarter of a billion dollars. Breyer observed that such a vast expenditure would cause more deaths than it would prevent from the asbestos exposure, simply by reducing the resources available for other public amenities.

Also, perversely, the very act of removing asbestos from existing structures poses greater risk from asbestos than simply leaving it where it is: During removal, long-dormant asbestos fibers are spread into the ambient air, where they expose workers and bystanders to heightened risk. When the EPA banned asbestos in 1989, it was already an old product whose risks and benefits were well understood. Nevertheless, political pressures from environmental activists pushed the EPA into making a decision that turned actually to raise the risk to public health.

Another example of flawed decision-making at the EPA is the imposition of overly stringent ambient air standards under the Clean Air Act. Clean air is desirable, of course, but an EPA rule finalized in February 2012 that created new emissions standards for coal- and oil-fired electric utilities was ill-conceived. According to an analysis by Diane Katz and James Gattuso of the Heritage Foundation:

The benefits are highly questionable, with the vast majority being unrelated to the emissions targeted by the regulation. The costs, however, are certain: an estimated \$9.6 billion annually. The regulations will produce a significant loss of electricity generating capacity, which [will] undermine energy reliability and raise energy costs across the entire economy.

Stung repeatedly by the responses to such benefit-cost calculations, EPA has begun more frequently to manipulate the benefit side by invoking so-called “non-use benefits” of regulations, such as “the value one places on knowing that an aquatic ecosystem is healthy” or secondary and tertiary ecosystem impacts.” The problem with such supposed benefits is that estimating them is highly prone to wishful thinking. (Read: plucking numbers from the air.) For example, regulators might “calculate” that a significant improvement in water quality in the Mississippi River could be a source of benefit to people throughout the nation, not just those who use the river or who live near it, because it is nationally symbolic.

An EPA subterfuge that has received attention lately from Sen. David Vitter and other Republicans on the Environment and Public Works Committee is the “sue and settle” maneuver that EPA uses to advance its radical environmental agenda in a way that substitutes a judicial mechanism for the customary interface of legislation and agency rulemaking. The way this works is that extremist environmental groups (some of which receive government grants) sue the federal government on the grounds that agencies are failing to meet their regulatory obligations, and then, behind closed doors, the activists and Obama administration officials concoct a settlement agreement that furthers activists’ (and regulators’) radical goals.

EPA’s Scientific Integrity Officer Francesca Grifo (who came to EPA from a radical environmental group) claimed that government scientists are currently working on “safe food” and a “safe environment” using the “best available science,” and that “the most important thing as we move forward is to increase the transparency of the federal government.” She is wrong on both counts.

EPA’s science is shoddy, and its scientists and administrators routinely manipulate it to fit their radical policy agendas. Moreover, transparency is less important in government regulation than the content of decisions. Putting it another way, transparency is desirable, but arriving at the right decisions about public health and environmental protection is what is paramount.



The EPA has long been intellectually, scientifically and ethically bankrupt, arguably the worst regulatory agency in the history of the world. But perhaps I understate.

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### **Dispatch Times**

<http://www.dispatchtimes.com/governor-to-tour-environmental-disaster-on-animas-river/45139/>

### **Governor to tour environmental disaster on Animas River**

Newsmedia

August 13, 2015

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While attempting to clean up Gold King Mine in Colorado, an inspection team broke through a retaining wall, causing a massive spill into Cement Creek.

Specifically, the levels of heavy metals in the Animas River near the city of Durango had returned to where they were before the spill, he said.

Several political leaders have expressed outrage at the EPA spill and declared states of emergency, but the Navajo Nation is the first to say it will take legal action the federal government. "It is absolutely devastating, and I am heartbroken by this environmental catastrophe", Governor Martinez said.

Since the spill began a week ago, the 100-mile plume has traveled through parts of Colorado, New Mexico and Utah on the way to Lake Powell, a key source of water for the Southwest. Liff says her agency is monitoring the water quality, but "right now we don't have any cause for concern".

These images tonight of the river before and after, the accident triggered by the EPA, the water glowing yellow.

Now the Attorneys General of Utah, New Mexico and Colorado are co-ordinating a response to ensure “whatever remediation is necessary occurs as quickly as possible”, Utah Attorney General Sean Reyes said in a statement.

Hickenlooper issued a disaster declaration for the area Monday, releasing \$500,000 to assist businesses and towns affected.

Congress members, state officials and residents contend the EPA is not providing quick answers about long-term impacts from the spill.

“Being very close to the Earth, the water represents the woman spirit, the lifeblood of the Earth”, Yazzie said.

The department had 277 people come with samples Monday and 140 on Tuesday.

It was apparent during an informal meeting between state and federal officials that the two entities are at odds over whether the river is ready to reopen. “This river, the San Juan, is our lifeline, not only in a spiritual sense but also it’s an economic base that sustains the people that live along the river”.

Health and environmental officials are evaluating the Animas River as it flows its 126-mile course through San Juan and La Plata counties, although they cautioned that it is unknown whether the spill will have any impacts on human health.

Communities and farmers along the Animas and San Juan rivers were forced to stop using river water, and it’s unclear when it will be safe to resume irrigating.

The Utah Division of Water Quality has been testing San Juan River water since the weekend, a few days after millions of gallons of mine waste gushed into a tributary. The Navajo people are

intrinsically tied to the land. “The fishing is fantastic”.

EPA Administrator Gina McCarthy was due Wednesday to visit Durango and Farmington, N.M., which is downstream.

Also on Tuesday, New Mexico Sen. The waste water had backed up inside of the mine, threatening to overflow and pour into the river, and the EPA planned to drain it with a pipe and then seal the mine to keep the waste contained more permanently.

“Oh my God! Look at the lead!” said Joseph Landolph, a toxicologist at the University of Southern California, pointing to a lead level in the Animas River almost 12,000 times higher than the acceptable level set by the EPA. But she said they, too, are keeping an eye on the situation.

Old, abandoned mining sites, however, have a different history. “They’re sowing more confusion in the area than they are resolving it”.

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### **Colorado Public Radio**

<http://www.cpr.org/news/story/states-affected-gold-king-mine-spill-pressure-epa-cleanup>

### **States Affected By The Gold King Mine Spill Pressure EPA On Cleanup**

Grace Hood

AUG 13, 2015

State and federal authorities are clashing over how best to respond to the Gold King Mine spill, which was triggered by a crew of Environmental Protection Agency contractors who were doing clean up at the long-unused mine last week.

But even as the agency takes full responsibility for what happened, it is coming under fire for what critics are calling its slow response.

“No agency could be more upset about the incident happening or more dedicated in terms of doing our job and getting this right,” said EPA Administrator Gina McCarthy, who traveled to the Durango on Wednesday to meet with local officials.

The spill was triggered Aug. 5. near Silverton and the orange plume of wastewater laced with arsenic and lead was shocking to southwestern Colorado residents after it flowed down Cement Creek and contaminated the Animas River. It’s since flowed into the San Juan River in New Mexico headed toward Lake Powell.

The Animas and San Juan rivers have been closed to boaters and swimmers ever since. Rafting companies have been temporarily out of work. Farmers can’t use the water for their crops. In a bit of good news, McCarthy said water quality results in the Durango Colorado area were showing that levels have returned to conditions before the spill.

“So this is very good news. But I want to make sure you understand that there are additional steps that we are going to take,” she said.

McCarthy did not address the contaminants that experts say remain in the river beds.

Colorado and New Mexico residents have become frustrated with what they see as a slow EPA response, one that has left states to take matters into their own hands.

While the EPA said the rivers won’t reopen until next Monday, Colorado Gov. John Hickenlooper said he thinks the river could open in a few days. And on Wednesday, Colorado gave the green light for Durango to start processing tap water from the Animas River.

“It is the type of response and communication that I am concerned about,” said Cynthia Coffman, the attorney general of Colorado. She, along with the attorneys general for Utah and New Mexico say they’re watching the EPA closely. And they won’t hesitate to apply legal pressure if it’s needed.

“It may take a lot of attention from citizens here and from the attorneys general to make sure that things are done, and done properly,” Coffman said.

New Mexico Attorney General Hector Balderas says he was happy to hear that the EPA will seek independent oversight when it investigates the Gold King Mine incident. Balderas also says he’s evaluating whether the EPA plan to address environmental concerns after the spill is adequate for New Mexico.

“We would hope that they would welcome feedback in terms of whether additional resources will be needed,” he said.

Utah Attorney General Sean Reyes says his state hasn’t seen any acute effects from the spill. But it’s the orange sediment on the banks and at the bottom of the river that worries him.

“Who knows long term in terms of a chronic problem how that’s going to affect everyone. That’s our biggest concern probably right now,” Reyes said.

The attorneys general say they’ll be watching the effects over the next two to five years to ensure that land is restored and residents are compensated damages.

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**Sentinel Republic**

<http://sentinelrepublic.com/utah-urges-caution-over-toxic-spill-river/71064/>

## **Utah urges caution over toxic-spill river**

Alan Binder

August 13, 2015 7:51 am

Utah urges caution over toxic-spill river photo Utah urges caution over toxic-spill river

The EPA says its own crews accidentally caused the release of the contaminated water, containing dissolved metals, which turned the water of the Animas River – Farmington’s primary source for drinking water – yellow and orange. The EPA confirmed in a statement that new water-quality tests showed contaminant levels in the Animas near Durango had subsided to “pre-event conditions”.

It was not quite an “all clear” though. Drew Beezley, co-owner of 4 Corners Whitewater in Durango, told said that his company canceled 20 rafting trips on the Animas River amounting to about \$10,000 worth of business, and that his 12 employees were out of work until the river is deemed safe.

“We let the science be our guide and we work with our partners”, she said. “The good news”, she said, “is the river seems to be restoring itself”.

The agency is also working to identify sites similar to Colorado’s Gold King Mine, where the breach occurred, to prevent any further potential spills, McCarthy said.

“Were this spill caused by private industry, I would expect Administrator McCarthy to immediately condemn the incompetence of those responsible and promise swift justice for those affected”. And over the years, I discovered that there is a kind underground railway that conveys the most incompetent, disaffected and anti-industry employees from other regulatory agencies to EPA, creating a miasma of flawed governance.

McCarthy said on Wednesday there would be an independent review on the spill, though she didn’t specify who would conduct it.

“This one happened to be more colorful than other ones so it got the attention of more people”, Simon said.

The mine waste and water then spilled out the mouth of the Sunnyside Mine, operated by Sunnyside Gold Corp., and eventually entered the Animas River.

The toxic waste that gushed last week from a Colorado mine and threatened downstream water supplies in at least three states will continue to be risky whenever contaminated sediment gets stirred up from the river bottom, authorities said Wednesday, suggesting there is no easy fix to what could be a long-term public health risk. The article quotes former assistant attorney general for the Justice Department division of environment and natural resources, Thomas Sansonetti, as saying, the EPA has...”Sovereign immunity”. Balderas said his office will also start a long-term assessment on the full extent of damages and will monitor the federal claim system to make sure federal funding is accessible to municipalities and residents.

“Blaming the EPA for #AnimasRiver spill is like blaming a doctor for the disease”, Conservation Colorado said in a Wednesday tweet.

Because congressional action on climate change has stalled, much of the administration’s moves toward curbing climate change have come through new EPA regulations, including a major new rule announced last week to cut carbon emissions from power plants by 32%.

Weekend water samples from the San Juan River show levels of lead and four other metals are elevated – but not worrisome.

At the Gold King Mine, Begaye, president of the Navajo Nation, couldn’t help but see the concerned faces of his people – the farmers who can’t water their corn now, and the ranchers scrambling to keep their cattle, sheep and goats away from the polluted San Juan River.

The EPA has said the flows are moving too fast for the contaminants to pose an immediate health threat and that the heavy metals will likely be diluted over time so they don't pose a longer-term threat.

“Don't count out the possibility”, she said.

**From:** Gong, Kristiene  
**Sent:** Thursday, August 13, 2015 10:26 AM  
**Subject:** RE: CO Mine Spill Clips - 8/13

**AP (via Minneapolis Star Tribune)**

<http://www.startribune.com/navajo-nation-says-it-feels-brunt-of-colorado-mine-leak/321518301/>

**Economic damages from Colorado mine spill will accumulate for years; feds to foot the bill**

By MATTHEW BROWN and P. SOLOMON BANDA

Associated Press AUGUST 13, 2015 — 2:35AM

DURANGO, Colorado —The spill of toxic wastewater from an abandoned gold mine high in Colorado's San Juan Mountains caused untold millions in economic disruptions and damages in three states — to rafting companies, Native American farmers unable to irrigate, municipal water systems and possibly water well owners. And largely because the federal government inadvertently triggered the release, it has vowed to pay the bill.

That bill could be years in the making. Attorneys general from Colorado, New Mexico and Utah vowed to ensure citizens and towns are compensated for immediate and long-term damages from the spill. But Colorado's attorney general, Cynthia Coffman, acknowledged it could be years before the full impact is known.



"We have to be vigilant as attorneys general, as the lawyers for the state, as protectors of the environment, to be sure that the assurances that we received today from the Environmental Protection Agency are the same in two years, in five years, even 10 years when we discover what the damage to the environment actually is," Coffman said Wednesday after she and her counterparts gathered in Durango.

EPA administrator Gina McCarthy said her agency took full responsibility for the spill, which was unleashed Aug. 5 when an EPA-supervised crew accidentally unleashed the torrent of wastewater from the Gold King mine. The plume of heavy metals, including arsenic and lead, flowed into southwest Colorado's Animas River and into the San Juan River in New Mexico.

McCarthy also said she had ordered agency personnel across the country to cease field investigation work on abandoned mines while the spill was investigated. EPA officials said they were seeking details on what the stop-work order means.

The Gold King spill was proving devastating to the Navajo Nation, which recently negotiated a settlement giving it rights to water from the San Juan River. The tribe plans to build a \$20 million water treatment plant in northwestern New Mexico to take in the extra volume of water granted by the settlement and provide a clean drinking source to more of the 16,000 families on the reservation who still haul water to their homes.

In this Thursday, Aug. 6, 2015 photo, people kayak in the Animas River near Durango, Colo., in water colored yellow from a mine waste spill. A crew supervised by the U.S. Environmental Protection Agency has been blamed for causing the spill while attempting to clean up the area near the abandoned Gold King Mine. Tribal officials with the Navajo Nation declared an emergency on Monday, Aug. 10, as the massive plume of contaminated wastewater flowed down the San Juan River toward Lake Powell in Utah, which supplies much of the water to the Southwest.

In this Thursday, Aug. 6, 2015 photo, people kayak in the Animas River near Durango, Colo., in water colored yellow from a mine waste spill. A crew supervised by the U.S. Environmental Protection Agency has been blamed for causing the spill while attempting to clean up the area near the abandoned Gold King Mine. Tribal officials with the Navajo Nation declared an

emergency on Monday, Aug. 10, as the massive plume of contaminated wastewater flowed down the San Juan River toward Lake Powell in Utah, which supplies much of the water to the Southwest.

More

Heavy metals already were present in the tribe's underground aquifers, and "now those same things are dumped in the river," complained Rex Kontz, deputy general manager for the Navajo Tribal Utility Authority. He said meeting EPA standards for clean drinking water could double the plant's cost and require millions more in operating costs each year.

The EPA said it will be Monday at least, but perhaps take weeks more, before test results can help show what hazardous materials are in the water. The higher the concentrations, the higher the cost of removing heavy metals. And unlike some other Native American tribes, the Navajo are not swimming in casino cash.

"This new water coming in was the avenue to creating new development and creating long-term sustainability," Kontz said. "Now it's almost like your legs were cut out from under you."

Navajo farmers were nervously waiting for someone to announce that it's OK to irrigate their crops again. Just two weeks without water could wipe out their corn and alfalfa just before harvest, which represents an entire year's salary for some farming families.

Current Colorado law requires a mining company to post a bond to cover the eventual cost of cleanup before a permit is issued to start operations, said Tony Waldron, supervisor of mine programs for the state Division of Reclamation, Mining and Safety. If the company fails to clean up the site when the mine closes, the state uses the bond to hire a contractor to do the work.

In most cases, the bonds have been sufficient to cover the cost of cleanup when mine operators don't finish, Waldron said. The state has a fund it can use to make up the difference.

But the Gold King Mine isn't covered because it was abandoned in 1923, before the law was in effect. In the absence of an owner, the federal government was working with local residents and the state to do limited mitigation work in the area around the Gold King mine — one of a cluster

of old and polluted mines perched more than 11,000 feet high — when the spill occurred.

Cleanup costs alone can be staggering — and continuous.

Colorado tightened its bond requirements in the 1990s after the operator of the Summitville gold mine in southern Colorado, Summitville Consolidated Mining Co., declared bankruptcy and couldn't complete a cleanup. Summitville became a federal Superfund site, with the EPA in charge.

The cleanup is ongoing because contaminated water continues to drain from the mine. The total cost to date is more than \$100 million, according to the U.S. Geological Service.

Authorities said Wednesday that the waste from the Gold King spill will continue to be dangerous when contaminated sediment gets stirred up from the river bottom.

"There will be a source of these contaminants in the rivers for a long time," said hydrologist Tom Myers, who runs a Nevada-based consulting business. "Every time there's a high flow, it will stir it up and it will be moving those contaminants downstream."

EPA spill liaison Nat Miullo suggested the danger from the spill had diminished with the dissipation of the initial burst of tainted water. Any future spike in contaminant levels caused by stirring up sediments would be "much, much smaller in scale," he said.

But environmental regulators in downstream New Mexico warned that it was crucial to determine where the contamination settles.

"Those are some of the longer-term issues that affect humans as well as wildlife," New Mexico Environment Secretary Ryan Flynn said.

## **Durango Herald**

<http://www.durangoherald.com/article/20150812/NEWS01/150819897/-1/news01&source=RSS>

### **Congressmen appeal to Obama after Gold King disaster**

By Chase Olivarius-Mcallister, Herald staff writer

Article Last Updated: Wednesday, August 12, 2015 10:22pm

Colorado and New Mexico lawmakers sent President Barack Obama a letter Wednesday urging him to direct federal resources toward addressing the Gold King Mine spill that unleashed 3 million gallons of contaminated mine sludge into the Animas River last week.

The letter was sent by Colorado's U.S. Sens. Michael Bennet and Cory Gardner; U.S. Rep. Scott Tipton; New Mexico's U.S. Sens. Tom Udall and Martin Heinrich; and U.S. Rep. Ben Ray Luján.

They asked Obama to focus "all appropriate federal resources on the tragic Gold King Mine spill that occurred last week in Southwest Colorado."

White House spokesperson Hallie Ruvlin declined to comment on the record on Wednesday.

In a phone interview Wednesday, Gov. John Hickenlooper said he had not yet read the senators' letter.

He said he spoken with the White House about the mine spillage "right when it was first

happening, but not since the level of environmental damage” turned out “not to be anywhere near what people first thought.”

The lawmakers’ letter to Obama says: “The release of approximately 3 million gallons of contaminated water into the Animas River has polluted the river through Southwest Colorado, the Southern Ute Indian Reservation, New Mexico, and the Navajo Nation. This is truly a national disaster that requires the attention, coordinated efforts, and resources of multiple federal agencies.”

The congressmen – Republicans and Democrats – say the Animas River and San Juan River “are critical to our states’ economies and way of life. Communities in all of the affected states, the Navajo Nation, and the Southern Ute Indian Tribe are justifiably concerned about both the short- and long-term effects of this disaster. ... The communities we represent expect and deserve a prompt and thorough response to this disaster as well as transparency and accountability from the federal government.”

### **NY Times**

[http://www.nytimes.com/2015/08/13/opinion/what-the-gold-mine-disaster-tells-us.html?\\_r=0](http://www.nytimes.com/2015/08/13/opinion/what-the-gold-mine-disaster-tells-us.html?_r=0)

### **What the Gold Mine Disaster Tells Us**

By THE EDITORIAL BOARD

AUG. 13, 2015

The General Mining Law of 1872 is among the last surviving statutes of the boisterous era of westward expansion. Signed by Ulysses S. Grant, it establishes the basic rules for mining hard-rock minerals like gold, copper and uranium on public lands.

Useful in its day, the law is a destructive relic now. It allows mining companies to buy federal land for a few dollars an acre, demands no royalties and requires minimal environmental protections while the mine is operating and no cleanup afterward.

Its principal legacy, if it can be called that, is a battered landscape of abandoned mines and poisoned streams.

The durability of this law, which has resisted all efforts at reform, is worth noting in the wake of a terrible mining-related disaster. On Aug. 5, a team contracted by the Environmental Protection Agency to investigate leaks from an abandoned gold mine in Colorado accidentally unleashed a torrent of chemically laced water. The spill of more than three million gallons has poisoned over 100 miles of the Animas River with toxic wastes, turning the river a bright yellow-orange and threatening communities in Colorado, New Mexico, Utah and the Navajo Nation that draw water from the river and its tributaries.

But beyond this local disaster lies a national problem: According to Earthworks, a Washington-based advocacy group, there are 500,000 of these abandoned and unreclaimed mines scattered about the country. According to the E.P.A., the drainage from these mines has contaminated roughly 40 percent of the headwater areas of Western watersheds.

In other words, there are many similar disasters waiting to happen. One big reason is the permissive 1872 law: There has never been a firm legal requirement, let alone enough money, to clean these old mines up. One obvious remedy is comprehensive reform of that law.

In 2007, at the urging of then-Representative Nick Rahall of West Virginia, the House passed a modest bill requiring mining companies to pay royalties, just the way oil, gas and coal producers do. The money would have been used to clean up old mines, while tough safeguards would be imposed on new ones. But a similar bill went nowhere in the Senate, where Harry Reid, then the majority leader, has been less than enthusiastic about reform because mining is big business in Nevada, his home state.

Now Representative Raúl Grijalva, an Arizona Democrat, is trying again. His bill would levy royalties on both new and existing mines as well as a modest reclamation fee. Together these funds could at least begin the arduous, expensive but absolutely necessary task of addressing a

major environmental problem.

Perhaps this time, with the Animas disaster fresh in its mind, Congress will pay attention.

### **Wall Street Journal**

<http://www.wsj.com/articles/epa-contractor-involved-in-colorado-spill-identified-as-environmental-restoration-1439414672>

### **EPA Contractor Involved in Colorado Spill Identified as Environmental Restoration**

By AMY HARDER, ALEXANDRA BERZON and JENNIFER S. FORSYTH

Updated Aug. 12, 2015 6:58 p.m. ET

Missouri-based Environmental Restoration LLC was the contractor whose work caused a mine spill in Colorado that released an estimated 3 million gallons of toxic sludge into a major river system, according to an Environmental Protection Agency official and government documents reviewed by The Wall Street Journal.

The EPA, which was overseeing the servicing of the mine, had previously said an unnamed outside contractor was using heavy equipment when it accidentally triggered a breach in the abandoned Gold King Mine, letting out wastewater that had built up inside it.

“Environmental Restoration LLC was working at the direction at EPA in consultation with the Colorado Division of Reclamation, Mining and Safety,” an EPA official said on Wednesday.

Officials at the company, based in Fenton, Mo., didn’t return multiple calls for comment.

According to various government documents, Environmental Restoration had signed an agreement to provide emergency protection from pollutants from the Gold King Mine, near Durango, Colo., in the southwestern part of the state. The spill has fouled the nearby Animas River, turning its water mustard yellow in the initial several days after the spill on Aug. 5.

The money to fund the Gold King Mine cleanup comes out of EPA's Superfund budget, according to Scott Sherman, a former deputy assistant administrator at EPA during the George W. Bush administration who oversaw Superfund and other waste programs.

Environmental Restoration is one of the largest EPA emergency cleanup contractors. It is the main provider for the EPA's emergency cleanup and rapid response needs in the region that covers Colorado, as well as in several other parts of the country. It worked on the cleanup for some of the highest-profile disasters in recent history, including the aftermath of Hurricane Katrina, the Sept. 11, 2001, terrorist attack ground zero cleanup, and the Deepwater Horizon Gulf of Mexico spill remediation, according to the company's website.

From October 2007 through this month, Environmental Restoration has been awarded \$381 million in federal contracts, according to government procurement data compiled on USAspending.gov. The vast majority—more than \$364 million—of that total was for work for the EPA. About 10%, or \$37 million of the EPA's awarded amount, was for contracts within the state of Colorado.

The Gold King mine wasn't a designated Superfund cleanup site, which would have required far more funding. Rather, Environmental Restoration was trying to stop wastewater from escaping the mine at the time of the breach, government documents indicate.

The massive spill—which resulted in dramatic images of mustard-colored wastewater laced with heavy metals—highlights the market for environmental cleanup firms, a lucrative government contracting business. The company was listed by an engineering trade publication last year as one of the top 100 environmental firms in the country, with revenue estimated at close to \$80 million.



## **NY Times**

<http://www.nytimes.com/2015/08/13/us/after-colorado-waste-spill-epa-halts-field-investigations.html>

### **After Colorado Waste Spill, E.P.A. Halts Field Investigations**

By JULIE TURKEWITZ

AUG. 12, 2015

DENVER — After a contractor for the Environmental Protection Agency accidentally caused a mine to burst during a field investigation — releasing more than three million gallons of toxic waste — the agency’s top official said Wednesday that she had halted all similar investigations until further notice.

“It is just an opportunity for us to screen, to make sure that there is no potential for a release like this in another situation,” said Gina McCarthy, the E.P.A. administrator, at a news conference in Durango, Colo., about 50 miles south of the Gold King mine, where the accident took place.

There are an estimated 23,000 abandoned mines in Colorado, according to the state’s department of natural resources, and about 500,000 around the country, according to the federal government.

The E.P.A. did not say how many mines are currently the subject of field investigations. The company that was working for the E.P.A. at the Gold King mine was identified by The Wall Street Journal as Environmental Restoration LLC of Fenton, Mo., which identifies itself on its website as a provider of hazardous waste management and removal.

A company secretary said late Wednesday that no one was available to comment. The E.P.A. is seeking an independent review of the cause of the spill, Ms. McCarthy said.

“It is a heartbreaking situation for E.P.A.,” she added, saying that the agency would be “transparent and collaborative in making sure people have the information they need.”

The spill occurred on Aug. 5, when the contractors were examining the Gold King, an abandoned mine owned by Todd C. Hennis of San Juan Corp. As workers using heavy machinery knocked away debris, a surprise onslaught of orange-yellow water poured out.

The spill prompted Utah, Colorado, New Mexico and the Navajo Nation to declare states of emergency. Levels of arsenic, lead and other metals rose in the areas south of the mine, though E.P.A. officials said Wednesday that tests indicated that in places where the toxic plume had already passed the water was returning to the levels of toxicity it had before the accident.

Officials have not determined what health risks, if any, the spill poses.

On Wednesday, the attorneys general of Colorado, New Mexico and Utah met in Durango to discuss a course of action. Through a spokesman, Colorado’s attorney general, Cynthia H. Coffman, said a lawsuit against the E.P.A. is a possibility. But the spokesman, Roger Hudson, added that “litigation is not our first choice.”

The president of the Navajo Nation, Russell Begaye, has said he plans to sue the agency.

The toxic plume flowed out of Gold King and into the Animas and San Juan rivers, toward Utah’s Lake Powell. E.P.A. officials have been testing water along the path for signs of contamination, and say that they will release results as they have them.

The spill spurred waves of anger in communities that consider these water sources to be cultural and economic lifelines. Dan Olson, director of the San Juan Citizens Alliance, an environmental protection group in Durango, called Ms. McGrath’s decision to shut down investigation at other mines “a wise precautionary move until the cause of this accident is fully understood.”

Matt Rice, director of the Colorado Basin Program at American Rivers, called the mine burst the country's "wake-up call."

"It's an opportunity to talk about all these time bombs that are at the tops of very important rivers," he said.

### **LA Times**

<http://www.latimes.com/opinion/op-ed/la-oe-0813-reynolds-mining-disaster-20150813-story.html>

### **Op-Ed The Animas River spill and the myth of mine safety**

By JOEL R. REYNOLDS

August 13, 2015, 5:00 AM

The definition of a mine, said Mark Twain, is a hole in the ground owned by liars. And this month the industry's biggest lie — that it can be trusted with our water — is once again on display as another mining disaster has spilled millions of gallons of toxic mining waste and chemicals into our streams, rivers and lakes.

On Aug. 5, at the abandoned Gold King mine in southwest Colorado, a U.S. Environmental Protection Agency cleanup team inadvertently unleashed into a tributary of the Animas River a 3-million-gallon soup of toxic mining wastewater. The accident has closed the Animas indefinitely and threatens drinking water supplies, the economy and wildlife in the region, into New Mexico and potentially all the way to Lake Powell.

This latest tragedy followed by one year almost to the day a pair of mine containment failures in Canada and Mexico.

On Aug. 4, 2014, at the Mount Polley copper and gold mine in central British Columbia, an earthen dam built 17 years ago to hold mining waste laced with mercury, lead, copper and other heavy metals — called tailings — failed, inundating the Fraser River watershed.

Three days later and 1,200 miles south at the Buena Vista copper mine in Sonora, Mexico, 10 million gallons of mining acid turned the Bacanuchi and Sonora rivers orange with poisonous chemicals, shutting down drinking water supplies, closing schools and affecting an estimated 800,000 people. Called by Mexico's environment minister the "worst natural disaster provoked by the mining industry in the modern history of Mexico," the spill was apparently caused by recently constructed but defective holding tanks.

Federal decision-makers should consider this damage as they decide whether to permit a host of massive new mine projects around critical water bodies.

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This trio of mining disasters is, or at least should be, a wake-up call. In an era of advancing climate change, fresh water is the indispensable natural resource, essential to life for everyone everywhere, and becoming more valuable with each day of deepening drought. Yet staggering quantities of this precious resource are consumed by mining exploration, operations and long-term maintenance. Each year, roughly 180 million tons of tailings flow into rivers, lakes and oceans — an estimate that leaves out the unpermitted contamination caused by containment failures like those at Gold King, Mount Polley and Buena Vista.

Federal decision-makers should consider this damage as they decide whether to permit a host of massive mine projects around critical water bodies.

Best known is a proposal to build the largest copper and gold mine in North America at the headwaters of the world's greatest wild salmon fishery, in southwest Alaska, which produces 30 million to 50 million fish each year. If the Pebble Mine were built as planned, it would generate an estimated 10 billion tons of mining waste laced with toxics — about 3,000 pounds for every person on Earth — to be contained forever in an area of high seismicity behind earthen dams as tall as the Three Gorges Dam in China. According to the EPA, the project poses a catastrophic

risk to the waters of Bristol Bay, its wild salmon fishery and the \$1.5 billion in revenue and 14,000 jobs it sustains each year.

The battle over the Pebble Mine will set the stage for a long list of other proposed mining projects in risky proximity to critical waters: in Oregon, a nickel mine on a federally designated wild and scenic river that feeds the communities and natural wonders of the Northern California redwood coast; in Minnesota, copper and nickel mines that threaten the pristine waters of the Boundary Waters Canoe Area Wilderness; in Montana, the Black Butte copper mine on Sheep Creek in the upper watershed of the Smith River, a state-designated Blue Ribbon Trout Fishery and an essential source of irrigation and stock water for ranchers.

Although mining industry advocates argue correctly that mining is essential — copper, for example, is ubiquitous in our cars, phones, computers and appliances — there's no denying that mining is a dirty business. According to the EPA, mining produces more toxic waste than any other industry — about 25% of the entire U.S. toxics inventory.

The permissive General Mining Law of 1872, written to encourage mining, is still in force even though the pick, shovel and pan were long ago replaced by giant earthmovers that gouge open pits more than a mile across and thousands of feet deep. Billions of gallons of water are consumed in production, pumped through miles of vulnerable pipelines and stored in open pits of acidifying waste; huge swaths of land are destroyed in the wake of closed, abandoned and inadequately remediated mines.

After this month's mine disaster on the Animas, there is even less reason to believe the self-serving, impossible promises of mining executives who claim that with good engineering, they can protect our waters for centuries. Although cutting-edge technology should be mandatory for all mining today, not all areas are mandatory for mining. Assurances of safety must be skeptically reviewed. And some mining projects — such as the Pebble Mine — just aren't worth the risk.

Joel R. Reynolds is Western director and senior attorney for the Natural Resources Defense Council.

## **Washington Times**

<http://www.washingtontimes.com/news/2015/aug/12/john-hickenlooper-colorado-governor-drinks-animas-/>

### **Colorado governor drinks water from formerly orange river contaminated by EPA**

By Valerie Richardson - The Washington Times - Wednesday, August 12, 2015

DENVER — Colorado Gov. John Hickenlooper once drank fracking fluid to prove a point, so guzzling water from the EPA-contaminated Animas River was apparently no big deal.

The governor, an ex-geologist turned brew-pub owner, took several swigs of water from the previously bright-orange river during his Tuesday visit after the Durango Herald asked if he would do so.

“Am I willing to go out there and demonstrate that we’re back to normal?” Mr. Hickenlooper said after the question was broached. “Certainly. I’m happy to do that. I’m dead serious.”

On the advice of Colorado’s chief medical officer, Dr. Larry Wolk, the Democratic governor first added an iodine tablet to his water bottle to kill giardia and E.coli germs.

“If that shows that Durango is open for business, I’m happy to help,” Mr. Hickenlooper told the Herald, which videotaped the event.

Afterward, the governor, who stressed that no one should drink river water anywhere without adding iodine, announced that the Animas is “perfectly fine for rafting.”

EPA administrator Gina McCarthy said during her Wednesday tour that water samples tested by agency scientists show that the river is back to its “pre-event conditions.” The EPA accidentally uncorked 3 million gallons of acidic toxic sludge on Aug. 5 during a reclamation project at the Gold King Mine.

The spill, which moved downriver to New Mexico, is expected to reach Lake Powell in Utah, but a Bureau of Reclamation spokeswoman told the Associated Press that the Bureau isn’t concerned about how the spill will affect the water quality there.

Justyn Liff said the wastewater spill is smaller than five Olympic-sized swimming pools, while Lake Powell can fill 6.4 million such pools

### **Daily Caller**

<http://dailycaller.com/2015/08/12/epa-contractor-behind-co-mine-spill-got-381-million-from-taxpayer/>

## **EPA Contractor Behind CO Mine Spill Got \$381 Million From Taxpayers**

MICHAEL BASTASCH

9:19 PM 08/12/2015

The EPA may have been trying to hide the identity of the contracting company responsible for causing a major wastewater spill in southern Colorado, but the Wall Street Journal has revealed the company’s identity.

Environmental Restoration (ER) LLC, a Missouri-based firm, was the “contractor whose work caused a mine spill in Colorado that released an estimated 3 million gallons of toxic sludge into a major river system,” the WSJ was told by a source familiar with the matter. The paper also found government documents to corroborate what their source told them.

So far, the EPA has refused to publicly name the contracting company used to plug abandoned mines in southern Colorado, despite numerous attempts by The Daily Caller News Foundation and other media outlets to obtain the information. It's unclear why the agency chose not to reveal the contractor's name.

What is clear, however, is that ER has gotten \$381 million in government contracts since October 2007, according to a WSJ review of data from USAspending.gov. About \$364 million of that funding came from the EPA, but only \$37 million was given to ER for work they had done in Colorado.

When contacted by phone, TheDCNF had been informed ER's offices had closed for the day. The EPA did not return a request for comment on the WSJ's story revealing the identity of the agency's contractor.

ER contractors reportedly caused a massive wastewater spill from the Gold King Mine in southern Colorado last week. EPA-supervised workers breached a debris dam while using heavy equipment and unleashed 3 million gallons of toxic wastewater into Cement Creek. The toxic plume eventually reached the Animas River where it's been able to spread even further, forcing Colorado and New Mexico to declare a state of emergency.

The EPA has taken responsibility for the spill and has officials on the ground working with local officials to remedy the situation. Still, local officials and Native Americans are furious with the EPA over the spill, and have not ruled out legal action to make sure the agency remains accountable.

"No agency could be more upset about the incident happening, and more dedicated in doing our job to get this right," EPA Chief Administrator Gina McCarthy said in a press conference in Durango, Colorado Wednesday. "We couldn't be more sorry. Our mission is to protect human health and the environment. We will hold ourselves to a higher standard than anyone else."

**Colorado Springs Gazette (CO):**



## **EDITORIAL: States must keep EPA in check**

The Gazette editorial board

August 13, 2015

After her agency dumped 3 million gallons of arsenic, lead and other toxins into the Animas River, The Gazette asked EPA administrator Gina McCarthy "what gives?" Colorado, Utah and New Mexico governors, attorneys general, tribal leaders, business owners, farmers and residents are dismayed by the EPA's response to a crisis the agency caused. Gov. John Hickenlooper on Tuesday described the EPA's crisis "in every sense, unacceptable."

The EPA did not warn New Mexico for more than 24 hours. Farmers, business owners and community leaders in and around Durango continued talking Wednesday about a lack of information and instruction on how to protect themselves - seven days after an EPA inspection unleashed the sludge from nearby Gold King Mine. Attorneys general from Colorado, New Mexico and Utah on Wednesday said McCarthy had declined to meet with them or allow them to view the mine. All were in Durango to investigate and prepare for potential litigation against the EPA.

After McCarthy landed in Durango on Wednesday, we asked her: "Gov. Hickenlooper, the governor of New Mexico, tribal leaders and a lot of local people here on the ground are upset with the EPA's response. Gov. Hickenlooper said you are days late. The governor of New Mexico complained they were not warned about this immediately, it took quite a while, and they did not hear from you first. Has the EPA treated itself differently than it would some other entity that might cause an environmental hazard of this nature?"

McCarthy: "Our mission is to protect public health and the environment. We will hold ourselves to a higher standard than anyone else. Now I have heard concerns about notifications and how quickly we were able to ramp up. And we will address those issues as we look at the investigation and we work with those days moving forward. The most important thing is we are

moving forward. We are fully ramped up. We have data coming in. We can assess that data. The very good news is that the data so far is showing that water quality does restore itself to its prior conditions. And so we are going to be using that lesson as we move downstream to make sure that we did the testing we need to do and we provide the information to decision makers that they are looking for the EPA to make, that it is high quality and reliable science."

Gazette: "So why were there delays?"

McCarthy: "Excuse me, can I move on to another question."

Something isn't right. When the director of the EPA says "water quality does restore itself," it sounds as if we aren't to worry so much about a massive spill of arsenic and lead into a river. Yet, the EPA has spent decades warning of such a crisis and is not known for downplaying water contamination.

Colorado Attorney General Cynthia Coffman and Utah Attorney General Sean Reyes, both Republicans, and New Mexico Attorney General Hector Balderas, a Democrat, gathered in Durango's Rotary Park to discuss strategies for helping those who have been or may be harmed by the spill. All were critical of the EPA's response.

"What I have heard from residents in Durango today is that people are angry they cannot get information about the toxicity of the water," Coffman said. "They are being placated and told everything is OK. My role on behalf of the people of Colorado, who are my ultimate client, is to make sure we hold the EPA accountable both in the short term and the long term. We need to get information about what actually happened and preserve that evidence should it be needed later on."

Reyes explained the EPA requires private-sector polluters to establish endowments for immediate and future consequences.

"So, similarly, the EPA should hold itself to at least the standards that it holds all citizens to, in terms of creating and addressing long-term costs," Reyes said.

Though the orange plume fades while floating west, Reyes fears toxic particulates will come to rest in the waters of Lake Powell.

"We are the receptacle," Reyes told The Gazette. "Anyone involved with remediation projects or environmental issues knows it is the long-term effects that matter most. We are extremely concerned about Lake Powell."

With so much at stake - and the EPA's odd behavior - Western governors and attorneys general should demand a multifaceted, independent investigation of the EPA's involvement in the spill. If the EPA won't police the EPA, state and local governments need to step in.

**Dispatch Times:**

<http://www.dispatchtimes.com/contaminated-water-from-mine-spill-still-not-detected-in-utah/44986/>

**Contaminated Water from Mine Spill Still Not Detected in Utah**

BY NEWSMEDIA

ON AUGUST 13, 2015

The EPA has not said how long cleanup efforts will take. After first putting the spill at a million gallons, the EPA has now tripled that estimate.

In Colorado, New Mexico and Utah, towns that are downstream from the old gold mine where contaminated wastewater spewed into a river have shut off their water supplies' connections to the spill.

This is an agency that will aggressively fine businesses, municipalities and anyone or anything else for even the slightest violation of its ridiculously strict standards, but that will face zero fines for its own environmental catastrophe.

Russell Begaye, president of the Navajo Nation, said he intends to sue the EPA over the impact of the mine water, Native News reported Tuesday.

The waste is expected to reach Lake Powell and then the Colorado River by midweek. The plume has since passed through parts of Colorado, New Mexico, Utah and the Navajo Nation.

Sen. James Inhofe, a Republican from Oklahoma and chairman of the Environment and Public Works Committee, called the spill a “grave incident” and said he planned to hold the EPA responsible.

“We’re going to assume that maybe it’s in there mixed around, but we really don’t have any evidence to say conclusively that it’s entered Utah”, Spangler said.

The former geologist said that if there’s a “silver lining” to the disaster, it will be a new relationship between the state and the EPA to solve the problem.

However, experts say a long-term concern is the deposit of heavy metals from the spill that have settled into river sediments, where they can be churned up and unleash a new wave of pollution when storms hit or rivers run at flood stage. “We would hope that they would be cautious and recognize how a river is such a lifeblood to these people down here”. Officials have blocked farmers from irrigating crops with river water and have ordered thousands of well owners to have their water tested. It also said the agency has seen no indication of widespread fish mortality in the Animas or San Juan Rivers.

The plume of orange sludge that came down the Animas River following a mine breach in Silverton, Colorado last week is clearing up in the Farmington area as it flows along through the

San Juan River, through the Navajo Nation and into Utah.

Last week, a cleanup crew from the Environmental Protection Agency working along the Animas River in southwestern Colorado accidentally broke through a dam, causing a nearby abandoned mine to spew 3 million gallons of wastewater into the river.

EPA Administrator Gina McCarthy said Tuesday in Washington, D.C., that she takes full responsibility for the spill, which she said “pains me to no end”.

“The Governor is disturbed by the lack of information provided by the EPA to our environmental agencies in New Mexico and strongly believes that people in our communities downstream deserve to have all the information about this situation”, said Chris Sanchez, the governor’s spokesperson.

In Colorado alone, there are an estimated 23,000 abandoned mines. The San Juan River is the main supply for irrigation in that area.

“The initial response from the EPA was lacking, to say the least”, he told AFP.

On Tuesday morning, Colorado Gov. John Hickenlooper got an up close look at the Animas River at a fish hatchery in Durango.

The sludge moved so quickly that it would not have caused significant health effects to animals that consumed the water, EPA toxicologist Deborah McKean said.

**Dispatch Times:**

<http://www.dispatchtimes.com/epa-likely-to-pay-big-price-for-toxic-spill/44790/>

## **EPA likely to pay big price for toxic spill**

BY NEWSMEDIA

AUGUST 13, 2015

Three million gallons of mine wastewater spilled into Cement Creek then onto the Animas River on August 5 after it was released by the EPA at the Gold King Mine near Silverton. That would have brought in major funds for a comprehensive cleanup.

Environmental Protection Agency Administrator Gina McCarthy told reporters Tuesday the agency's accidental release of toxic mining wastewater into Colorado's Animas River last week "pains" her. EPA officials said they were seeking details on what the stop-work order means.

The spill prompted states of emergency to be declared in Colorado, New Mexico and the vast Navajo Nation reservation that straddles state lines.

Utah Gov. Gary Herbert expressed disappointment with the EPA's initial handling of the spill, but said the state has no plans for legal action. These mines "are ticking time bombs as long as the toxins continue to be held in water behind dams that are subject to floods and breaching".

The Utah Division of Water Quality has been testing San Juan River water since the weekend, a few days after millions of gallons of mine waste gushed into a tributary. The EPA says the water's moving fast enough so that the metals will disperse along the river until they return to normal levels. Crews were building containment ponds to catch and treat the water. Finally, EPA should commit to covering costs sustained by non-profits who have conducted water quality sampling and other services related to mitigating this disaster. But that has done little to ease concerns or quell the anger caused by the spill.

Utah officials say the progress of the waste water is hard to track because it's been diluted and is no longer the distinct yellow color seen closer to the Colorado spill site. "That's doesn't mean

they're safe folks".

This emptied into the Animas River, which in turn emptied into the San Juan.

The biggest Superfund proponents, he said Tuesday, are from downstream communities who fear pollution from mines will harm their economy, and want federal help to clean it up as quickly and effectively as possible. The lower stretch of the river serves parts of California, Arizona, Nevada, New Mexico and Utah. Contaminants include heavy metals, including lead and arsenic.

But for the Navajo, there are other impacts that can not be quantified, Yazzie said. The water systems have the ability to store water or use alternative sources, the agency said.

Thank you for your attention and consideration. Is it appropriate for irrigating crops? She lives on the Animus and her family depends on a well for water which is now unusable.

Some experts downplayed the damage.

Much of the focus on Tuesday was in New Mexico, where the contamination was flowing down the Animas and into the San Juan River.

Health and environmental officials are evaluating the Animas River as it flows its 126-mile course through San Juan and La Plata counties, although they cautioned that it is unknown whether the spill will have any impacts on human health.

"It's probably perfectly fine".

At a community center in Farmington, Lavine Tenorio filled up containers with free clean drinking water.

## **Forex Report Daily:**

<http://forexreportdaily.com/2015/08/13/7488-navajo-nation-plans-legal-action-against-epa-over-contaminated-water/>

### **Navajo Nation plans legal action against EPA over contaminated water**

By Mike Dooley

August 13, 2015

Missouri-based Environmental Restoration LLC was the contractor whose work caused a mine spill in Colorado that released an estimated 3 million gallons of toxic sludge into a major river system, according to an Environmental Protection Agency official and government documents reviewed by The Wall Street Journal.

McCarthy called the disaster “heartbreaking”, but contended the Animas River’s water quality has recovered, confirming a Colorado state report.

Heavy metals from Gold King and other defunct mines in Colorado have been leaching out and killing fish and other species for decades as rain and snowmelt spills from abandoned, exposed sites.

The EPA’s slow response angered local and state officials as well as farmers, native Americans and others who live near the river. “We don’t know”, said Teitlebaum. “We might have had a visually appalling situation which in the end is not going to leave us with negative consequences”.

Water flows through a series of retention ponds built to contain and filter out heavy metals and



chemicals from the Gold King mine wastewater accident, in the spillway about 1/4 mile downstream from the mine, outside Silverton, Colo., Wednesday, August 12, 2015.

Since the spill began a week ago, the 100-mile plume has traveled through parts of Colorado, New Mexico and Utah on the way to Lake Powell, a key source of water for the Southwest.

State attorneys general from Colorado, New Mexico and Utah appeared separately in Durango, pledging to make sure residents are compensated for damages from the spill.

The heavy-metals-laden contaminants turned the Animas River a shade of mustard fit for a Crayola crayon box. “A lot of us who are river users ourselves want to get back out there, but we don’t want to put people in harm’s way”, said Matt Gerhardt, manager of the retail store at 4 Corners Whitewater in Durango.

The EPA did not return requests to confirm this exchange, but shared a statement noting the organization was “ceas[ing] any field investigation at [other] mines” unless there is an “imminent risk in a specific case”. An earthen barrier gave way, sending toxic wastewater pouring into a tributary of the Animas, turning the river a bright orange-yellow for miles.

“It’s certainly a caution to accept a quick settlement if there could be potential long term damages that haven’t been assessed”, he said. That flow continues at pre-spill levels of about 213 gallons per minute, but is spreading less contamination than it did before last week’s accident.

“It takes years for sediments to clean once acid mine drainage has been removed”, Stednick said.

New Mexico Gov. Susana Martinez says she still has concerns about the federal government’s response to the spill of millions of gallons of wastewater from a mine in southwestern Colorado.

“I am absolutely, deeply sorry that this ever happened”, she said Tuesday in Washington.

Blumenthal also indicated that the EPA is working with numerous state and local agencies to provide ongoing monitoring and assistance in affected areas.

EPA Administrator Gina McCarthy meets with staff at the Unified EPA Area Command in Durango, CO.

The spill will have a destructive impact on the ecosystems fed by the San Juan River that the Navajo culture depends on, Navajo Nation President Russell Begaye said at a community meeting this weekend. San Juan County, New Mexico has also been receiving water from secondary sources or reserves as a result of the spill. The tests won't be considered final until they have been validated, which usually takes seven to 10 days.

The pollution washed down the river and is believed to have passed into Utah but it's hard to detect because it has been diluted and no longer has the bright color.

**Minnesota Public Radio News (MN):**

<http://www.mprnews.org/story/2015/08/13/npr-water>

**EPA administrator: Water quality improving in contaminated western rivers**

Brakkton Booker

Aug 12, 2015

The head of the Environmental Protection Agency says samples of waters that flow through three Western states, contaminated by waste from an abandoned Colorado mine last week, are showing improvement. Experts say the heavy metals and other materials are still there, though, in the riverbeds.

Speaking to reporters today from Durango, Colo., EPA Administrator Gina McCarthy promised more details later but did provide what she called "very good news."

"We have water quality data from Aug. 7, 8 and 9 from La Plata County and it shows that the levels have returned to pre-event conditions," McCarthy said.

It was not quite an "all clear," though.

The Associated Press reports that the riverbed remains tainted:

" 'There will be a source of these contaminants in the rivers for a long time,' said hydrologist Tom Myers, who runs a Nevada-based consulting business. 'Every time there's a high flow, it will stir it up and it will be moving those contaminants downstream.' "

McCarthy said EPA will work "with our counties and our local communities so that they can have a chance to review this data thoroughly and they can have a full opportunity to talk through what this means in terms of decisions they're going to make moving forward."

"The very good news is that the data so far is showing that water quality does restore itself to its prior conditions," McCarthy said.

It's been a week since a toxic flood of heavy metals, arsenic and other materials from the Gold King Mine spilled into the waterway, turning it a vibrant mustard color.

McCarthy announced the EPA would be conducting an internal investigation as to what caused the Aug. 5 spill. The EPA chief also said her agency will seek an independent review of what happened.

The Denver Post reports:

"While in the region, McCarthy is not planning a trip to the Gold King Mine, nor is she holding a public meeting. The incident, she said, was a 'heart-breaking situation.' "

McCarthy reiterated points she made ahead of her trip to Colorado, saying, "No agency could be more upset about the incident happening" and that the EPA is taking full responsibility.

As we've reported, the spill was triggered last week when an EPA cleanup team breached a dam at an abandoned Colorado mine.

**Peoria Times (AZ):**

[http://www.peoriatimes.com/news/article\\_955c9de0-411c-11e5-81b0-934ab6a76ecd.html](http://www.peoriatimes.com/news/article_955c9de0-411c-11e5-81b0-934ab6a76ecd.html)

**Colorado mine leak not expected to affect Arizona water supply**

By DARRELL JACKSON, Staff Writer

Posted: Thursday, August 13, 2015 12:00 am

Orange water flowing through the Animas River in New Mexico and down the San Juan River toward Lake Powell is headed towards Arizona, but officials are trying to ease West Valley resident's fears.

"There is no threat to anyone in Arizona and it will not have an impact on the Central Arizona Project (CAP)," said CAP spokesman and former Peoria Mayor Bob Barrett.

Barrett said that CAP has been monitoring the situation in Colorado and New Mexico and they test the water here every week, but there is no risk to the drinking water in Arizona.

“It will not impact CAP as it has not reached Lake Powell yet,” Barrett said. “The breach is about 9,000 acre feet of materials and as it travels along the rivers, it will become diluted. Once it does reach Lake Powell, where there is about 13 million acre feet of water, so, if it did reach that point, it would be completely diluted.”

Three million gallons of toxic mining sludge leaked into the Animas River after a mistake by the Environmental Protection Agency dumped the pollutants into the water from abandoned mines in Colorado.

The U.S. Environmental Protection Agency’s mine cleanup crew last week accidentally triggered the 3 million-gallon spill north of Durango.

The agency said its crews were excavating a collapsed mine entrance last week to find the source of poisoned wastewater that had run at up to 250 gallons a minute for years, tainting a headwaters creek.

On Aug. 10, the EPA released test results showing lead and manganese levels far exceeding safe drinking water standards on a stretch of the Animas River. Copper and zinc levels were also elevated.

Barrett said the tests of the Arizona water has yet to show any rise in lead or manganese levels and they are not expecting to see any.

“No, we shouldn’t see any rises in those levels,” Barrett said. “It is going to be so diluted that I don’t think any of those will show up in our tests.”

The Animas River flows into the San Juan River, which travels through New Mexico and Utah before emptying into Lake Powell.

Glen Canyon National Recreation Area officials have advised boaters, swimmers and campers to avoid the river and the 40-mile San Juan River arm of the reservoir until further notice.

EPA continues to collect water samples daily from the Animas and San Juan rivers. Fish cages placed directly in the Animas River indicate no mortality as a result of the spill.

“To date, we have seen no indication of widespread fish mortality in the Animas or San Juan Rivers,” a news release from the EPA said.

While lacking specific health and environmental impacts, the EPA is reporting a downward trend in water concentrations for metals at sample sites.

Dissolved iron in the waste turned the water an orange-yellow color, so “the water appears worse aesthetically than it actually is, in terms of health,” said Ron Cohen, a civil and environmental engineering professor at the Colorado School of Mines in a news release.

New Mexico Gov. Susana Martinez has declared an emergency that frees up state funds to address the wastewater plume as the Animas enters the state and joins the San Juan River. Colorado Gov. John Hickenlooper declared a state of emergency Aug. 10.

Federal officials said more than 3 million gallons of water tainted with lead, arsenic and other heavy metals contaminated the Animas River following last week’s spill.

The EPA said it is considering options for clean-up that would require funding from the mine owner, San Juan Corp.

**Press Examiner:**

<http://www.pressexaminer.com/river-is-at-pre-event-conditions/34062>

## **River is at pre-event conditions**

By Claire Hopkins

August 13, 2015

The polluted waters were carried along the Animas River through Durango and then flowed into the San Juan River at the confluence of the rivers in Farmington on Saturday morning.

“The good news so far is that water quality does restore itself to its prior conditions”, she said.

The EPA initially estimated that 1m gallons of the toxic orange-brown sludge with the acidity of beer had spilled into the Animas River, but four days later upped that estimate to 3m gallons of fluorescent waste.

EPA tests on the sickly orange-yellow plume showed a spike in heavy metal levels that decreased as the pollution moved downstream.

Instead, the EPA’s contractor took the short route, punched a hole in and burst the containment bridge and the deluge erupted, swelling Cement Creek with toxic mine mush, then contaminating and discoloring the Animas River below its path.

The EPA says it’s expecting to release more data on Wednesday which may include numbers from New Mexico’s stretch of the Animas and the San Juan. The spill happened when a crew working at the site on behalf of the EPA accidentally knocked a hole through a dam that was holding the toxic stew in place.

The Navajo Nation has already begun a lawsuit, and more will surely be on the way. The San Juan River is the main supply for irrigation in that area. “This river, the San Juan, is our lifeline, not only in a spiritual sense but also it’s an economic base that sustains the people that live along

the river”.

The EPA said it will be Monday at least, but perhaps take weeks more, before test results can help show what hazardous material is in the water. “That is just, to me, a disaster of a huge proportion”.

While EPA officials and toxicology experts stress that long-term ramifications of the spill remain to be seen, Hickenlooper said there did not “appear to be lasting environmental damage”. “It seems like the Obama administration just closed their doors and disappeared”, he said.

EPA Administrator Gina McCarthy continued Wednesday to make amends for the accident by touring the Animas River in Durango. The EPA – which admitted its role in the mishap – has somewhere around 20 Superfund Sites in Colorado where environmental impacts are the worst. In a statement, the Utah Attorney General’s office said that all three states support an independent review of the mishap in addition to the EPA’s review. Generally, heavy metal loads in the water column are considered less harmful than those in sediment, which can persist for years and be disturbed by natural events such as spring melt.

While there have been no fish or bird die-offs, Flynn said that doesn’t mean the river is healthy or safe. “The one thing we don’t know is sort of long term impacts to the aquatic community out here in general”. McCarthy stated the Animas River is unlikely to re-open instantly for leisure use, and is usually off-limits for kayakers and people who typically entry the waterway.

“Over two hundred sixteen million Americans rely on surface water as their source of drinking water”.

Navajo farmers are in the middle of alfalfa season and without rain, tribal officials say they will be in trouble.

The attorneys general plan a public announcement in the afternoon. “It was a preventable mistake, and they must be held accountable”, he said.



McCarthy said there is a “hiatus” on similar investigations at mines across the US until officials determine the cause of the spill.

The EPA said the spill occurred August 5 when one of its teams was using heavy equipment to enter the Gold King Mine, a suspended mine north of Durango.

**TV Newsroom:**

<http://tvnewsroom.org/newslines/business/epa-chief-we-are-going-to-be-fully-accountable-81987/>

**EPA chief: ‘We are going to be fully accountable’**

August 13, 2015

“We are working with affected systems to increase sampling and monitoring”, said state health department chief medical officer Dr. Larry Wolk.

The Navajo president was told by EPA officials in their latest meeting that his people will have to live in a state of uncertainty, and it could take “decades” for a full clean-up.

Utah Gov. Gary Herbert has declared an emergency for parts of the state affected by mine wastewater from Colorado.

Governors in New Mexico and Colorado, as well as the Navajo Nation, have made similar declarations.

The EPA said it will be Monday at least, but perhaps take weeks more, before test results can help show what hazardous materials are in the water.

The Gold King plume is already devastating to the Navajo Nation, which recently negotiated permission to pull San Juan River water through a \$20 million treatment plant it's building to provide a clean drinking resource to more of the 16,000 reservation families who still have to haul water to their homes. The attorneys general for Colorado, New Mexico and Utah met Wednesday in Durango to discuss a coordinated legal response.

Coffman acknowledged that it could be years before the effects are known. "We have another three or four million gallons in treated water in reserve, so we have sufficient water supply for 30 to 45 days without having to access new water sources".

EPA Administrator Gina McCarthy continued Wednesday to make amends for the accident by touring the Animas River in Durango.

The heavy-metals-laden contaminants turned the Animas River a shade of mustard fit for a Crayola crayon box. "The EPA could have designated the mine area as a Superfund site", he said, referencing a federal law aimed at long-term cleanup of severely polluted areas.

McCarthy said the EPA will investigate and seek an independent review of the spill, though she offered no details.

Speaking in Durango, Colo., McCarthy said the external investigation would offer "fresh eyes" to assuage local concerns about the EPA's mishap.

It came a week after an EPA-supervised crew accidentally unleashed 3 million gallons of wastewater from an old mine that flowed into the Animas River.

McCarthy says the testing downstream will continue, and is hoping for the same outcome of the testing upstream.

The waste is predicted to succeed in Lake Powell after which the Colorado River by midweek.

Meanwhile, New Mexico officials said Wednesday that residents who rely on the Animas River were anxious to get back to normal.

But Cohen understands why others are waiting for more data.

Balderas says that because there are questions about the safety of the river, it's too early to guess at the true costs of what he called an unfortunate disaster.

"Mine waste is under control at this point, as far as I know", she said.

The Bureau of Reclamation says the reservoir on the Utah-Arizona border holds about 4.2 trillion gallons of water, dwarfing the spill. The Animas River is a tributary of the San Juan.

Katie Wood, a spokeswoman for Glen Canyon National Recreation Area, says it's a possibility officials will monitor.

EPA tests on the sickly orange-yellow plume showed a spike in heavy metal levels that decreased as the pollution moved downstream.

Parks and Wildlife spokesman Matt Robbins said Wednesday that biologists in Denver will determine whether the spill's heavy metals accumulated in the fingerling trout.

**From:** Gong, Kristiene  
**Sent:** Thursday, August 13, 2015 9:43 AM  
**Subject:** CO Mine Spill Clips - 8/13

**Durango Herald**

<http://www.durangoherald.com/article/20150812/NEWS01/150819904/EPA:-River-is-at-pre-event-conditions->

**EPA chief confirms Animas is recovering**

Calls for halt to mine cleanup across country

By Chase Olivarius-Mcallister, Mary Shinn and Peter Marcus Herald staff writers

Article Last Updated: Wednesday, August 12, 2015 11:05pm

The head of the Environmental Protection Agency on Wednesday confirmed what Colorado officials already knew, that readings of the Animas River show a return to pre-contamination conditions.

“As always, the EPA is going to let science be our guide,” Environmental Protection Agency Administrator Gina McCarthy told reporters Wednesday at the La Plata County Fairgrounds. McCarthy visited Durango on Wednesday in response to a spill of 3 million gallons of heavy-metal tainted water an EPA-contracted crew accidentally released at the Gold King Mine near Silverton on Aug. 5.

The Environmental Protection Agency has launched a new website for the Animas River spill at [www2.epa.gov/goldkingmine](http://www2.epa.gov/goldkingmine).

The Colorado Department of Public Health and Environment also has a webpage for the incident at [www.colorado.gov/pacific/cdphe/animas-river-spill](http://www.colorado.gov/pacific/cdphe/animas-river-spill).

Gina McCarthy made the announcement during a 15-minute news conference in Durango at the La Plata County Fairgrounds, which the EPA has been using as a command center. McCarthy made no public appearances during her trip to Durango – other than to speak with the press – meeting behind closed doors with federal and local officials.

She did not tour the abandoned Gold King Mine near Silverton, where the EPA on Aug. 5 released an estimated 3 million gallons of wastewater into the Animas. While the EPA has taken responsibility for the error, the agency continues to be criticized for a delayed response, with answers trickling in.

Calling the agency's debacle "heartbreaking," McCarthy said the EPA is conducting an internal investigation.

"No agency could be more upset about the incident happening, and more dedicated in doing our job to get this right," McCarthy addressed a large group of reporters. "We couldn't be more sorry. Our mission is to protect human health and the environment. We will hold ourselves to a higher standard than anyone else."

The Durango Herald received several calls Wednesday from members of the public who wanted to know when and where they could meet with McCarthy. They had expected the EPA chief to hold a community meeting.

At the media availability, McCarthy said she was not in town to meet with the public, but instead to hold briefings with officials. She answered only nine minutes worth of questions from reporters before leaving the podium, as reporters continued to shout questions at her while she walked away.

"Right now I have a schedule where I am making sure that I touch base with all of their

representatives and their technical experts so that we are responding to the needs that we know are being raised and we're doing that well," McCarthy said.

Elected officials weigh in

People at high levels of government may yet intervene. Colorado and New Mexico federal lawmakers on Wednesday sent President Barack Obama a letter urging him to direct resources toward addressing the spill. The letter was sent by Colorado U.S. Sens. Michael Bennet, a Democrat, and Cory Gardner, a Republican, as well as by U.S. Rep. Scott Tipton, R-Cortez, and Democrats New Mexico U.S. Sens. Tom Udall and Martin Heinrich, as well as by U.S. Rep. Ben Ray Luján, also a Democrat.

The gang of lawmakers asked Obama to focus "all appropriate federal resources on the tragic Gold King Mine spill."

White House spokesperson Hallie Ruvin declined to comment on the record on Wednesday.

Gov. John Hickenlooper said he spoke with the White House about the mine spillage when it first happened, but that he had not followed up.

The congressional members who sent the letter pointed out that the Animas River and San Juan River are "critical to our states' economies and way of life."

"The communities we represent expect and deserve a prompt and thorough response to this disaster as well as transparency and accountability from the federal government," the letter says.

EPA halts all cleanups

Meanwhile, McCarthy on Wednesday ordered all of her agency's regions to cease fieldwork in mines across the country in the wake of the blowout, which sent sludge down the Animas River, into Durango, across state lines and into two Indian Nations. It was not immediately clear how many mining cleanup sites the directive affects across the nation. The EPA did not respond to a request for comment left by The Durango Herald.

"We are in the process of initiating an independent assessment by a sister federal agency or another external entity to examine the factors that led to last week's incident," McCarthy said in the directive. "Based on the outcome from that assessment, we will determine what actions may be necessary to avoid similar incidents at other sites."

Federal officials were encouraged by the validated water-sample readings they released on Wednesday, taken on Friday, Saturday and Sunday. Officials did not immediately release the data sets, other than to say that levels had returned to pre-event conditions. Initial readings taken immediately after the spill found spiked levels of heavy metals, including lead, arsenic, cadmium, aluminum, copper and calcium, at varied levels. The water's pH level also had initially plummeted.

State health officials on Tuesday also said water quality improved to pre-event levels.

Local governments guarded

Despite the positive news on water quality, Durango city officials are cautious, saying they will not start drawing water from the Animas immediately.

The city needs to complete more testing before opening up its intake on the Animas River, said Sherri Dugdale, assistant to the city manager. The city also plans to wait until irrigation companies have the chance to flush out ditches upstream of the intake before starting to treat city water. The city would like residents to continue to conserve water.

When the city does start drawing water from the Animas, irrigation will be allowed in stages. Those with gardens will be allowed to start watering first, then Hillcrest Golf Club, Parks and

Recreation Department and other large water-users.

The Florida River is the city's main source of water, and it has been sustaining the city since the blowout. City tap water remains safe.

Those hoping to get back on the Animas for fun are also going to have to wait.

"Although we are all in agreement about the water quality results being back to pre-event levels," La Plata County Sheriff Sean Smith said, "it is only prudent that we wait to have sediment testing results to ensure public safety prior to opening the river to recreation."

As a precaution, the state health department recommends residents test the source of their well water if their wells are within one mile of the Animas River. The department has no indication the aquifer accessed by private wells has been contaminated, officials said in a news release. Residents should not take their own samples because technicians will be sent to sample the water from homes.

La Plata County is in the process of doing its own water quality testing to compare to state and federal results, said La Plata County Commissioner Gwen Lachelt.

The full cost of the disaster to both the city and county is unknown, though numbers may start to become available on Thursday, Lachelt said.

The county sent a long list of requests to the EPA, including assistance on initial costs, ongoing expenses, assessments of wells and public water systems and analyzing sediment and impacts to wildlife. County officials also want a full independent investigation into the EPA and a review of Superfund status for the mine, which would open the door to many more financial resources.

In the meantime, an emergency declaration by the governor makes \$500,000 available, and the city and county have continued their emergency declarations, which allows agencies to share



resources.

**AP (via US News)**

<http://www.usnews.com/news/us/articles/2015/08/12/the-latest-epa-chief-to-visit-new-mexico-colorado>

**The Latest: Head of EPA to visit New Mexico to address response to spill of mine waste**

DURANGO, Colo. (AP) — The latest in the Colorado mine spill (all times local):

5:40 p.m.

The head of the Environmental Protection Agency says she will visit Farmington, New Mexico, downstream from where millions of gallons of mine waste spilled into a southwest Colorado river.

EPA Administrator Gina McCarthy is scheduled to address the agency's response in Farmington on Thursday. On Wednesday, she spoke with residents of Durango, Colorado, as well as state, local and tribal officials.

An EPA-supervised cleanup crew accidentally unleashed 3 million gallons of wastewater from an old mine that flowed into southwest Colorado's Animas River.

McCarthy said Wednesday that "no agency could be more upset about the incident happening, and more dedicated in doing our job to get this right. We couldn't be more sorry."

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5:25 p.m.

A Colorado-based Bureau of Reclamation spokeswoman says the agency isn't currently concerned with the water quality at Lake Powell or downstream.

Justyn Liff says the heavy-metal laced wastewater spill is the size of 4 1/2 Olympic-size swimming pools, while Lake Powell contains enough water to fill about 6.4 million similar pools.

National Parks officials said the spill hadn't reached the reservoir by Wednesday. Liff says her agency is monitoring the water quality, but "right now we don't have any cause for concern."

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5:15 p.m.

U.S. House Speaker John Boehner says the Colorado mine wastewater spill is serious and so is the EPA's slow response.

The Ohio Republican called on the Obama administration Wednesday to do everything in its power to protect people in the affected states of Colorado, New Mexico and Utah.

Boehner said in a statement Wednesday that the House will monitor the Environmental Protection Agency's damage assessments, cleanup efforts and its response to the concerns of affected Native American tribes.

An EPA-supervised cleanup crew accidentally unleashed 3 million gallons of wastewater from an old mine that flowed into southwest Colorado's Animas River.

The EPA has been criticized by local officials for delayed notifications about the spill and for not saying when it will release its own water-testing results a week after the spill.

### **Denver Post**

[http://www.denverpost.com/editorials/ci\\_28629516/colorado-keep-powder-dry](http://www.denverpost.com/editorials/ci_28629516/colorado-keep-powder-dry)

### **Colorado: Keep the powder dry**

By The Denver Post Editorial Board

POSTED: 08/12/2015 05:00:00 PM MDT

On Tuesday, an official of the Environmental Protection Agency chided Gov. John Hickenlooper for saying water quality in the Animas River had largely returned to what it had been before the EPA spilled 3 million gallons of polluted wastewater into it.

On Wednesday, EPA chief Gina McCarthy, who had bestirred herself finally into visiting the region, also said water quality had "returned to pre-event conditions."

So Hickenlooper was right after all. Then again, why wouldn't he be willing to rely on the word of state experts who'd been monitoring the pollution?

Yet the EPA behavior should not surprise. It has been the pattern since last week's toxic release: a leisurely attitude toward informing local communities of the latest developments.

So we welcome Colorado Attorney General Cynthia Coffman's statement Wednesday that a lawsuit against the EPA is "on the table" and that she's consulting with her counterparts in New Mexico and Utah regarding the possibility.

If the EPA willingly shoulders responsibility for all the impacts of the spill, then a lawsuit won't be necessary. But given its performance so far, the attorneys general had best keep their powder dry.

### **Dispatch Times**

<http://www.dispatchtimes.com/governor-to-tour-environmental-disaster-on-animas-river/45139/>

### **Governor to tour environmental disaster on Animas River**

While attempting to clean up Gold King Mine in Colorado, an inspection team broke through a retaining wall, causing a massive spill into Cement Creek.

Specifically, the levels of heavy metals in the Animas River near the city of Durango had returned to where they were before the spill, he said.

Several political leaders have expressed outrage at the EPA spill and declared states of emergency, but the Navajo Nation is the first to say it will take legal action the federal government. "It is absolutely devastating, and I am heartbroken by this environmental catastrophe", Governor Martinez said.

Since the spill began a week ago, the 100-mile plume has traveled through parts of Colorado, New Mexico and Utah on the way to Lake Powell, a key source of water for the Southwest. Liff says her agency is monitoring the water quality, but “right now we don’t have any cause for concern”.

These images tonight of the river before and after, the accident triggered by the EPA, the water glowing yellow.

Now the Attorneys General of Utah, New Mexico and Colorado are co-ordinating a response to ensure “whatever remediation is necessary occurs as quickly as possible”, Utah Attorney General Sean Reyes said in a statement.

Hickenlooper issued a disaster declaration for the area Monday, releasing \$500,000 to assist businesses and towns affected.

Congress members, state officials and residents contend the EPA is not providing quick answers about long-term impacts from the spill.

“Being very close to the Earth, the water represents the woman spirit, the lifeblood of the Earth”, Yazzie said.

The department had 277 people come with samples Monday and 140 on Tuesday.

It was apparent during an informal meeting between state and federal officials that the two entities are at odds over whether the river is ready to reopen. “This river, the San Juan, is our lifeline, not only in a spiritual sense but also it’s an economic base that sustains the people that live along the river”.

Health and environmental officials are evaluating the Animas River as it flows its 126-mile course through San Juan and La Plata counties, although they cautioned that it is unknown whether the spill will have any impacts on human health.

Communities and farmers along the Animas and San Juan rivers were forced to stop using river water, and it's unclear when it will be safe to resume irrigating.

The Utah Division of Water Quality has been testing San Juan River water since the weekend, a few days after millions of gallons of mine waste gushed into a tributary. The Navajo people are intrinsically tied to the land. "The fishing is fantastic".

EPA Administrator Gina McCarthy was due Wednesday to visit Durango and Farmington, N.M., which is downstream.

Also on Tuesday, New Mexico Sen. The waste water had backed up inside of the mine, threatening to overflow and pour into the river, and the EPA planned to drain it with a pipe and then seal the mine to keep the waste contained more permanently.

"Oh my God! Look at the lead!" said Joseph Landolph, a toxicologist at the University of Southern California, pointing to a lead level in the Animas River almost 12,000 times higher than the acceptable level set by the EPA. But she said they, too, are keeping an eye on the situation.

Old, abandoned mining sites, however, have a different history. "They're sowing more confusion in the area than they are resolving it".

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**CNN**

<http://www.cnn.com/2015/08/13/us/animas-river-spill-by-the-numbers/>

**By the numbers: The massive toll of the Animas River spill**

By Ben Brumfield, CNN

Updated 6:59 AM ET, Thu August 13, 2015

(CNN)The environmental crew had one job: pump out and treat contaminated water at the Gold King Mine in southern Colorado.

Instead, when the workers for the Environmental Protection Agency used heavy equipment to enter the defunct mine on August 5, 2015, a leak sprung. A massive one.

The EPA has taken full responsibility and announced it was temporarily ceasing work at other mines to avoid a repeat.

Water tainted with heavy metal gushed from Gold King into the nearby Animas River, turning it a solid mustard color. It flowed downstream for dozens of miles crossing state lines. It made life miserable for thousands who depend on the river water.

Here is the toll the spill has taken told by the numbers.

3 million

The number of gallons of heavy metal filled wastewater the U.S. Geological Survey says spilled into the Animas River. That's about 60,000 bathtubs full.

The bright discoloration was an obvious flag that something was awry in the river. But the EPA was sluggish with information in the aftermath, as residents worried about possible damage to their health, and businesses on the river shut down.

12,000

That's how many times higher than normal the level of lead was in one water sample tested from the Animas River shortly after the spill.

Lead poisoning is tricky, because at low levels, it can be hard to detect. It can slow down child development and cause learning disabilities, the Mayo Clinic says.

Lead is just one of the many heavy metals released, and it's not the deadliest. The wastewater also contained extremely high levels of arsenic, cadmium, beryllium and mercury. It also contained zinc, iron and copper.

3

The number of states heavily hit by the spill: Colorado, New Mexico and Utah.

The attorneys general of the states hinted they might sue the federal government individually or collectively. But Colorado Attorney General Cynthia Coffman said, "It is too early to know if litigation is necessary or appropriate."

The EPA has mentioned the idea of an independent review of the incident in addition to its own. The attorneys general support this.

2

The number of rivers affected. The heavy metal plume also flowed from the Animas into the San Juan River in New Mexico. It carried the pollution into Utah.

The rivers serve as the source for five water supply systems, the EPA told CNN affiliate KOAT.



It's hard to say how many people the spill affected.

The banks of the rivers are sparsely populated, but they are surrounded by farmland in an otherwise dry to desert terrain, and farmers are dependent upon river water to irrigate their crops.

45,000

That's the population of the largest town affected by the spill: Farmington, New Mexico. It's located on the spot where the Animas flows into the San Juan. The next largest municipality is Durango, Colorado, with a population of more than 17,000, according to the U.S. Census Bureau.

The Navajo community around the town of Shiprock, which is downstream from Farmington on the San Juan River, is hard hit as well. Some 750 farmers there need river water to irrigate.

The community has vowed legal action against the EPA.

90

That's how many days' water reserves Farmington has before it will need to draw river water. Farmington's reserves also supply nearby towns with drinking water, including Shiprock.

Some residents are concerned the heavy metal spill might seep into groundwater, poisoning wells. More than 400 Farmington residents who draw their water from wells have turned in samples for testing.

A week after the spill, tests indicate that the Animas River is returning to normal, but fears linger over possible long-term consequences. Experts say adverse health effects from heavy metal poisoning can take years to become apparent.

500,000

The rough number of old mines similar to the Gold King Mine that environmental activist organization Earthworks says that need to be cleaned up. Earthworks says some of them could be leaking waste into groundwater nearby.

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### **Sentinel Republic**

<http://sentinelrepublic.com/utah-urges-caution-over-toxic-spill-river/71064/>

### **Utah urges caution over toxic-spill river**

August 13, 2015 7:51 am

The EPA says its own crews accidentally caused the release of the contaminated water, containing dissolved metals, which turned the water of the Animas River – Farmington’s primary source for drinking water – yellow and orange. The EPA confirmed in a statement that new water-quality tests showed contaminant levels in the Animas near Durango had subsided to “pre-event conditions”.

It was not quite an “all clear” though. Drew Beezley, co-owner of 4 Corners Whitewater in Durango, told said that his company canceled 20 rafting trips on the Animas River amounting to about \$10,000 worth of business, and that his 12 employees were out of work until the river is deemed safe.

“We let the science be our guide and we work with our partners”, she said. “The good news”, she said, “is the river seems to be restoring itself”.

The agency is also working to identify sites similar to Colorado’s Gold King Mine, where the

breach occurred, to prevent any further potential spills, McCarthy said.

“Were this spill caused by private industry, I would expect Administrator McCarthy to immediately condemn the incompetence of those responsible and promise swift justice for those affected”. And over the years, I discovered that there is a kind underground railway that conveys the most incompetent, disaffected and anti-industry employees from other regulatory agencies to EPA, creating a miasma of flawed governance.

McCarthy said on Wednesday there would be an independent review on the spill, though she didn’t specify who would conduct it.

“This one happened to be more colorful than other ones so it got the attention of more people”, Simon said.

The mine waste and water then spilled out the mouth of the Sunnyside Mine, operated by Sunnyside Gold Corp., and eventually entered the Animas River.

The toxic waste that gushed last week from a Colorado mine and threatened downstream water supplies in at least three states will continue to be risky whenever contaminated sediment gets stirred up from the river bottom, authorities said Wednesday, suggesting there is no easy fix to what could be a long-term public health risk. The article quotes former assistant attorney general for the Justice Department division of environment and natural resources, Thomas Sansonetti, as saying, the EPA has...”Sovereign immunity”. Balderas said his office will also start a long-term assessment on the full extent of damages and will monitor the federal claim system to make sure federal funding is accessible to municipalities and residents.

“Blaming the EPA for #AnimasRiver spill is like blaming a doctor for the disease”, Conservation Colorado said in a Wednesday tweet.

Because congressional action on climate change has stalled, much of the administration’s moves toward curbing climate change have come through new EPA regulations, including a major new rule announced last week to cut carbon emissions from power plants by 32%.

Weekend water samples from the San Juan River show levels of lead and four other metals are elevated – but not worrisome.

At the Gold King Mine, Begaye, president of the Navajo Nation, couldn't help but see the concerned faces of his people – the farmers who can't water their corn now, and the ranchers scrambling to keep their cattle, sheep and goats away from the polluted San Juan River.

The EPA has said the flows are moving too fast for the contaminants to pose an immediate health threat and that the heavy metals will likely be diluted over time so they don't pose a longer-term threat.

“Don't count out the possibility”, she said.

### **Colorado Public Radio**

<http://www.cpr.org/news/story/states-affected-gold-king-mine-spill-pressure-epa-cleanup>

### **States Affected By The Gold King Mine Spill Pressure EPA On Cleanup**

By Grace Hood

State and federal authorities are clashing over how best to respond to the Gold King Mine spill, which was triggered by a crew of Environmental Protection Agency contractors who were doing clean up at the long-unused mine last week.

But even as the agency takes full responsibility for what happened, it is coming under fire for what critics are calling its slow response.

“No agency could be more upset about the incident happening or more dedicated in terms of doing our job and getting this right,” said EPA Administrator Gina McCarthy, who traveled to the Durango on Wednesday to meet with local officials.

The spill was triggered Aug. 5. near Silverton and the orange plume of wastewater laced with arsenic and lead was shocking to southwestern Colorado residents after it flowed down Cement Creek and contaminated the Animas River. It’s since flowed into the San Juan River in New Mexico headed toward Lake Powell.

The Animas and San Juan rivers have been closed to boaters and swimmers ever since. Rafting companies have been temporarily out of work. Farmers can’t use the water for their crops. In a bit of good news, McCarthy said water quality results in the Durango Colorado area were showing that levels have returned to conditions before the spill.

“So this is very good news. But I want to make sure you understand that there are additional steps that we are going to take,” she said.

McCarthy did not address the contaminants that experts say remain in the river beds.

Colorado and New Mexico residents have become frustrated with what they see as a slow EPA response, one that has left states to take matters into their own hands.

While the EPA said the rivers won’t reopen until next Monday, Colorado Gov. John Hickenlooper said he thinks the river could open in a few days. And on Wednesday, Colorado gave the green light for Durango to start processing tap water from the Animas River.

“It is the type of response and communication that I am concerned about,” said Cynthia Coffman, the attorney general of Colorado. She, along with the attorneys general for Utah and New Mexico say they’re watching the EPA closely. And they won’t hesitate to apply legal

pressure if it's needed.

"It may take a lot of attention from citizens here and from the attorneys general to make sure that things are done, and done properly," Coffman said.

New Mexico Attorney General Hector Balderas says he was happy to hear that the EPA will seek independent oversight when it investigates the Gold King Mine incident. Balderas also says he's evaluating whether the EPA plan to address environmental concerns after the spill is adequate for New Mexico.

"We would hope that they would welcome feedback in terms of whether additional resources will be needed," he said.

Utah Attorney General Sean Reyes says his state hasn't seen any acute effects from the spill. But it's the orange sediment on the banks and at the bottom of the river that worries him.

"Who knows long term in terms of a chronic problem how that's going to affect everyone. That's our biggest concern probably right now," Reyes said.

The attorneys general say they'll be watching the effects over the next two to five years to ensure that land is restored and residents are compensated damages.

**From:** "Ludwigsen, Emily" <[Ludwigsen.Emily@epa.gov](mailto:Ludwigsen.Emily@epa.gov)>

**Date:** August 12, 2015 at 4:57:29 PM EDT

**Subject:** RE: CO Mine Spill Clips - 8/12

**Associated Press**

<http://www.usnews.com/news/us/articles/2015/08/12/navajo-nation-says-it-feels-brunt-of-colorado-mine-leak>

## **Experts predict long-term calamity as Colorado mine waste spill contaminates river bottoms**

Matthew Brown and P. Solomon Banda

August 12, 4:47 PM

DURANGO, Colorado (AP) — The toxic waste gushing from a Colorado mine and threatening downstream water supplies in at least three states will continue to be dangerous whenever contaminated sediments get stirred up from the river bottom, authorities said Wednesday, suggesting that there's no easy fix to what could be a long-term calamity.

The immediate impact of the 3 million gallon spill was easing as the orange-tinted contamination plume becomes more diluted on its way into Lake Powell along the Utah-Arizona border. But the strong dose of arsenic, cadmium, lead and other heavy metals is settling out as the wastewater travels downstream, layering river bottoms with contaminants sure to pose risks in the future.

"There will be a source of these contaminants in the rivers for a long time," said hydrologist Tom Myers, who runs a Nevada-based consulting business. "Every time there's a high flow it will stir it up and it will be moving those contaminants downstream."

The Environmental Protection Agency had pushed for 25 years to grant Superfund status to the partly collapsed Gold King mine and other idled mine sites leaking heavy metals above Silverton, Colorado. That would have brought in major funds for a comprehensive cleanup. But local authorities spurned federal intervention, leaving a smaller EPA-led team to investigate the steady stream of pollution. That team accidentally breached a debris wall on Aug. 5, unleashing a huge pool of contaminated water.

Yellow sludge still poured from the mine a week later, rushing downhill from a spot 11,300 feet high in the Rockies. An EPA cleanup crew hastily built a series of four sedimentation

ponds, bulldozing mounds of earth and covering pits in plastic. The agency announced Wednesday that the ponds were effectively reducing acidity and dissolved metals, so while the runoff has returned to the pre-spill volume of about 213 gallons per minute, it is now cleaner than it was before the spill.

Long before the accident, mines in the Silverton area that were first developed in the late 1800s had been releasing a steady stream of contaminated wastewater into area streams and river, leaving some of them virtually lifeless. No fish swim where the Gold King runoff flows into Cement Creek and the upper reaches of the Animas River, which in turn feeds the San Juan.

EPA tests on the sickly orange-yellow plume showed a spike in heavy metal levels that decreased as the pollution moved downstream. The tests won't be considered final until they have been validated, which usually takes seven to 10 days.

EPA officials did not immediately respond to Associated Press questions about long-term dangers, but environmental regulators in downstream New Mexico warned that sediments get kicked up by storms and high water, so it's crucial to determine where contamination settles.

Past mine waste accidents in the Rocky Mountains have shown that the impact can linger for decades, said John Stednick, a watershed scientist at Colorado State University. He cited efforts to clean up Colorado's stretch of the Arkansas River that began with a 1982 spill, and the decades of fish kills after the Summitville Mine dumped wastewater into Wrightman Fork, near Del Norte, Colorado.

"It takes years for sediments to clean once acid mine drainage has been removed," Stednick said.

The Gold King plume is already devastating to the Navajo Nation, which recently negotiated permission to pull San Juan River water through a \$20 million treatment plant it's building to provide a clean drinking resource to more of the 16,000 reservation families who still have to haul water to their homes.



**Denver Post**

[http://www.denverpost.com/news/ci\\_28627376/epa-chief-gina-mccarthy-durango-wednesday-see-animas](http://www.denverpost.com/news/ci_28627376/epa-chief-gina-mccarthy-durango-wednesday-see-animas)

**EPA chief Gina McCarthy in Durango Wednesday to see Animas River spill**

Jesse Paul

August 12, 4:42PM ET

DURANGO — Environmental Protection Agency chief Gina McCarthy is scheduled to visit Durango on Wednesday and New Mexico on Thursday to see impacts from a massive mine wastewater spill into the Animas River caused by her agency.

She is expected to speak to the media at a 2 p.m. briefing in Durango at the command center set up to manage the state, local and federal response to the spill.

Colorado's senators and the congressman representing Durango-area residents on Tuesday urged McCarthy to visit the disaster area in a letter.

McCarthy on Tuesday said that her agency accepted "full responsibility" for the spill, and said the agency was "absolutely deeply sorry" and that it expects lawsuits.

Gov. John Hickenlooper said Tuesday in a visit to Durango that testing showed the Animas River is returning to the acidity and metal levels that it was at before the disaster.

Authorities have closed the river in La Plata County — including Durango — and have not definitively said if it is safe for human consumption. Officials say they are waiting on results from EPA tests before making any kind of determination.

A spokeswoman for the San Juan Basin Health Department said Wednesday that results of water testing on private wells in the area have not been returned but are expected "very soon."

The department said earlier this week a call center set up to answer questions and take requests for well testing was "overwhelmed."

Sarah Jacobson, a La Plata County spokeswoman, says the EPA is paying for and conducting testing on private wells in the Animas River area.

Samples are being sent to labs in Denver and Georgia, she said.

According to Jacobson, private wells are not regularly tested for the by county or state governments. Testing responsibility falls on the part of the well's owner, she said.

The county and San Juan Basin Health Department are testing wells that serve more than one household.

McCarthy's visit comes as Colorado Attorney General Cynthia Coffman is in Durango to meet with her counterparts from New Mexico, Democrat Hector Balderas, and Utah, Republican Sean Reyes.

Coffman said Wednesday morning in an interview with The Denver Post that a lawsuit against the EPA is "certainly on the table." She said she will discuss taking legal action against the EPA with the other attorney's general.

Three million gallons of mine wastewater spilled into Cement Creek then onto the Animas River on Aug. 5 after it was released by the EPA at the Gold King Mine near Silverton. It is one of many mine sites in the area that is releasing heavy metals into the river's flow.

**From:** Ludwigsen, Emily  
**Sent:** Wednesday, August 12, 2015 4:51 PM  
**Subject:** RE: CO Mine Spill Clips - 8/12

**CNN**

<http://www.cnn.com/2015/08/12/us/navajo-nation-water-epa-spill/index.html>

**Damage to Navajo Nation water goes beyond money**

Mariano Castillo

August 12, 4:16PM

(CNN)On the Navajo reservation, the leader of the community of Shiprock worries about the corn, melons, squashes and other crops that could be lost if water from the San Juan River can't be drawn for irrigation.

The New Mexico farmers stopped drawing water from the river following the August 5 wastewater spill at a mine in Colorado into a river system that carried the pollutants to the reservation.

Preliminary tests in Colorado and New Mexico point to the spill having minimum risk of

adverse health affects, but Shiprock Chapter President Duane "Chili" Yazzie will wait for a definitive all-clear before using the water on crops.

Rainfall this week bought the farmers more time, Yazzie said, but the next week is crucial. Some 750 families rely on farming for food, he said.

Communities up and down the Animas and San Juan rivers have been affected by the 3 million gallons of wastewater that spilled into the rivers, but the Navajo Nation in New Mexico appears to have the most at risk.

"Our community here, the very critical nature of our predicament is that we are a river-based community and we're a strong agricultural community and the impact is very, very tremendous," Yazzie told CNN.

Just 30 miles upstream, in Farmington, residents reported being upset at the spill, but taking it in stride. Farmington has a reservoir with about a three-month supply of clean water, so drinking water is safe and businesses haven't skipped a beat.

Shiprock gets its drinking water from Farmington, so it is safe, too. The worries stem from the farmland that uses river water for irrigation, and the communication barriers that may be keeping some members of the Navajo community uninformed of the contamination.

Despite signs and widespread warnings, Yazzie says isolated cases have been reported of people filling up water trucks from the river to give to their cattle.

Vowing legal action against agency

These cases may be occurring because some members of the Navajo Nation don't use the most common technology to communicate, or in some cases, speak native languages instead of English, Yazzie said.

The EPA is responsible for the spill of the toxic pollutants from the Gold King Mine in Colorado. The orange sludge flowed from the Animas River in Colorado into New Mexico, where it met and started following the San Juan River, a key source of water for Navajo communities.

Several political leaders have expressed outrage at the EPA spill and declared states of emergency, but the Navajo Nation is the first to say it will take legal action the federal government.

Yazzie said the EPA didn't alert them about the spill until 24 hours after the incident.

The spill will have a destructive impact on the ecosystems fed by the San Juan River that the Navajo culture depends on, Navajo Nation President Russell Begaye said at a community meeting this weekend.

"They are not going to get away with this," Begaye said. "The EPA was right in the middle of the disaster, and we intend to make sure the Navajo Nation recovers every dollar it spends cleaning up this mess and every dollar it loses as a result of injuries to our precious Navajo natural resources."

Begaye also instructed the Navajo Nation Department of Justice to take action against the EPA.

According to the EPA, the spill occurred when one of its teams was using heavy equipment to enter the Gold King Mine, a suspended mine north of Durango. Instead of entering the mine and beginning the process of pumping and treating the contaminated water inside as planned, the team accidentally caused it to flow into the nearby Animas.

More than economics

The most obvious impact of the spill is economic.

But for the Navajo, there are other impacts that cannot be quantified, Yazzie said.

Beyond the economic element, there is the Navajos' cultural and traditional connection with the land, he said.

"And an even higher tier is our spiritual realization of what water represents to us," he said. "Water is a very intricate, very elemental basis of the tradition of our religion. And for our river to be harmed in this way, the damage -- spiritually, emotionally, psychologically is beyond description."

There is a sense of mourning for the contaminated river, which is so central to the community.

The immediate concern is the potential loss of the crops, but much of the pain in Shiprock, from young and old alike, is over the damage done to the river.

"There is no equating what we are losing here in terms of value," Yazzie said.

**From:** Ludwigsen, Emily  
**Sent:** Wednesday, August 12, 2015 4:47 PM  
**Subject:** RE: CO Mine Spill Clips - 8/12

**Associated Press (via U.S. News and World Report)**

<http://www.usnews.com/news/us/articles/2015/08/12/the-latest-epa-chief-to-visit-new->

**The Latest: New Mexico official: Towns seeking other water sources want answers on mine spill**

Associated Press

August 12, 4:37PM

DURANGO, Colo. (AP) — The latest in the Colorado mine spill (all times local):

2:35 p.m.

New Mexico's attorney general says communities affected contaminated wastewater that spilled from a Colorado mine have anywhere from seven to 50 days of drinking water in storage tanks and reservoirs.

Hector Balderas says the towns are anxious for the release of sampling results from the Animas and San Juan rivers. He spoke Wednesday after meeting with local officials in Farmington, New Mexico. He was headed to Durango, Colorado, to meet with his counterparts from that state and Utah.

Communities in northwestern New Mexico and on the Navajo Reservation have made plans to access other sources of water, but Balderas said his office is among those pressuring federal officials to get better data and release it in a timely manner.

Balderas says that because there are questions about the safety of the river, it's too early to guess at the true costs of what he called an unfortunate disaster.

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2:07 p.m.

Federal officials say 3 million gallons of waste that spilled from an old Colorado mine hasn't arrived at Lake Powell yet, but it will be further diluted in the massive body of water when it does.

The Bureau of Reclamation says the reservoir on the Utah-Arizona border holds about 4.2 trillion gallons of water, dwarfing the spill.

The breach last week sent a plume of metal-laden water coursing into the Animas and San Juan rivers. At Lake Powell, the San Juan meets the Colorado River, which provides water to parts of California, Arizona, Nevada, New Mexico and Utah.

Contaminants settling into sediment could end up at the deltas of the rivers as they empty into Lake Powell and be stirred up again as water levels rise or during flooding.

Katie Wood, a spokeswoman for Glen Canyon National Recreation Area, says it's a possibility officials will monitor.

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12:40 p.m.

Colorado wildlife officials will test more than 100 fish caught along the Animas River at the height of a mine waste spill that turned the water orangey-yellow.



Parks and Wildlife spokesman Matt Robbins said Wednesday that biologists in Denver will determine whether the spill's heavy metals accumulated in the fingerling trout. Results won't be known for at least two weeks.

The breach last week sent a plume of metal-laden water coursing into the Animas and San Juan rivers. The pollution has passed through parts of Colorado, New Mexico, Utah and the Navajo Nation.

Of the 108 fish placed in underwater cages during the worst of the spill, only one died. It's unknown whether the death stemmed from pollution or other reasons.

The agency also plans a survey of wild fish in the Animas and will compare it to a survey done last year.

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11:03 a.m.

Colorado and federal officials are at odds over whether it's safe to reopen the Animas River to recreation after 3 million gallons of mine waste spilled and turned the water orangey-yellow.

The shocking color seen last week is gone, and Colorado says its tests show the concentration of metals in the water, including arsenic and lead, are decreasing. Gov. John Hickenlooper wants the river reopened to boating and fishing, both important to the region's economy.

The Durango Herald newspaper (<http://bit.ly/1UD32FF> ) reports that local EPA administrator Shaun McGrath told Hickenlooper during a meeting to stop making

comments about the health of the river.

McGrath says more data are needed to know whether the river is back to baseline conditions. That angered Hickenlooper, who, echoing others, said the EPA has been too slow in responding to the disaster overall.

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10:12 a.m.

New Mexico Gov. Susana Martinez says she still has concerns about the federal government's response to the spill of millions of gallons of wastewater from a mine in southwestern Colorado.

**From:** Ludwigsen, Emily  
**Sent:** Wednesday, August 12, 2015 4:27 PM  
**Subject:** RE: CO Mine Spill Clips - 8/12

**Associated Press (via US News & World Report)**

<http://www.usnews.com/news/us/articles/2015/08/12/the-latest-epa-chief-to-visit-new-mexico-colorado>

**The Latest: Mine waste hasn't reached Lake Powell yet, likely will be diluted when arrives**

AP  
August 12, 4:08PM

DURANGO, Colo. (AP) — The latest in the Colorado mine spill (all times local):

2:07 p.m.

Federal officials say 3 million gallons of waste that spilled from an old Colorado mine hasn't arrived at Lake Powell yet, but it will be further diluted in the massive body of water when it does.

The Bureau of Reclamation says the reservoir on the Utah-Arizona border holds about 4.2 trillion gallons of water, dwarfing the spill.

The breach last week sent a plume of metal-laden water coursing into the Animas and San Juan rivers. At Lake Powell, the San Juan meets the Colorado River, which provides water to parts of California, Arizona, Nevada, New Mexico and Utah.

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10:12 a.m.

New Mexico Gov. Susana Martinez says she still has concerns about the federal government's response to the spill of millions of gallons of wastewater from a mine in southwestern Colorado.

The breach last week at the Gold King Mine near Silverton sent a flood of yellow, metal-laden water coursing into the Animas and San Juan rivers. The plume has since passed through parts of Colorado, New Mexico, Utah and the Navajo Nation.

Martinez says EPA Administrator Gina McCarthy's visit Wednesday will be important, so McCarthy can see firsthand the potentially devastating effects the spill can have on downstream communities.

Martinez's office says the governor spoke with McCarthy on Tuesday evening.

The New Mexico Environment Department has been conducting its own sampling along the river and results are expected Wednesday.

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9:58 a.m.

The head of the Environmental Protection Agency will meet with state, local and tribal officials and community members when she visits Colorado on Wednesday to see the impact of a 3 million-gallon mine waste spill.

EPA Administrator Gina McCarthy also plans to visit Farmington, New Mexico, on Thursday.

She says the agency takes full responsibility after an EPA-led crew accidentally released the wastewater laced with heavy metals, including lead and arsenic.

**From:** Gong, Kristiene  
**Sent:** Wednesday, August 12, 2015 3:58 PM  
**Subject:** RE: CO Mine Spill Clips - 8/12

**Eagle Ford Texas:**

<http://eaglefordtexas.com/news/id/155801/ranchers-farmers-look-for-alternative-water-sources-after-gold-king-mine-spill/>

**Ranchers, farmers look for alternative water sources after Gold King Mine spill**

21 mins ago

SHIPROCK — With the Animas and San Juan rivers still off limits, local ranchers and farmers are looking for alternative ways to get water for their livestock and crops.

Restrictions on the rivers were put into effect after toxic metals flowed from a mine north of Silverton, Colo., into the Animas River and then into the San Juan River.

In response to the situation, officials with the Shiprock Chapter started hauling water to residents who need it for their livestock.

Melvin Jones, an equipment operator at the chapter house, delivered water Monday and Tuesday to residents in Shiprock.

“There are quite a few people on the list right now, so we’ll probably be hauling water all week and into next week,” he said.

On Tuesday, he delivered water in a 1,000-gallon tank to Sarah Frank’s residence in southeast Shiprock. As Jones filled her large storage tank with water, Frank removed lids from three steel drums and an assortment of plastic containers to hold the remainder of the water. Frank’s residence is less than 10 miles south of the river, which was the main source of water for her 30 sheep and 13 lambs.

“They really drink water when the grass is dry,” she said.

Frank said she asked chapter house officials for help because she was worried about her sheep.

“They said they would help to haul water. I was so glad to hear that,” Frank said, adding that the delivered water could last up to four weeks.

Meanwhile, in Upper Fruitland, the corn at Jimmy and Lucy Lujan’s 24-acre farm had already started to wither on Tuesday from lack of water, and the couple fears they have lost a crop of newly planted alfalfa. Lucy Lujan said she had hoped to sell the corn to pay for her grandson’s tuition at San Juan College.

“You don’t realize how much you rely on irrigation water,” she said.

Since the plume of contaminated water flooded the San Juan River, the Lujans have been using tap water for their small herd of sheep and to irrigate their crops. The couple said they

have always had plenty of water, but now they are afraid they will lose all of their crops this season.

Tommy Bolack relies on both the Animas and San Juan rivers to irrigate his 12,000-acre B-Square Ranch in Farmington. He learned about the Gold King Mine spill a day and a half before the plume reached Farmington and turned off the ditches on the southern portion of his property, which is irrigated by the Animas River.

“It’s best to let that water go by,” he said.

Early warnings helped farmers prevent crop contamination, said D’rese Sutherland, one of the owners of Sutherland Farms.

“We’ll be fine for a few days,” she said, adding that rains and cloud cover have helped the crops on the 80-acre farm north of Aztec.

But, she added, “If we don’t get water on some crops within the next week, we will start losing some.”

Sutherland said she has been in contact with the New Mexico State University San Juan County Extension Office to secure emergency water supplies.

The extension office started delivering irrigation water Tuesday afternoon, said agriculture agent Bonnie Hopkins. On Tuesday, about 20,000 gallons of water were delivered to farmers and about 10,000 gallons were delivered to livestock owners, she said.

The office can deliver water to farmers and ranchers who are not on the Navajo Nation. Residents can call 505-334-9496 to get on the water delivery list. Farmers with market vegetables and fruits will be prioritized because their livelihoods depend on the produce.

Four Corners Economic Development will also host a public meeting at 2 p.m. today at the Farmington Civic Center, 200 W. Arrington St., to discuss the county’s irrigation options with officials from the extension office, the state Office of the State Engineer and the Environmental Protection Agency.

**CBS Local (Denver):**

<http://denver.cbslocal.com/2015/08/12/ag-coffman-in-durango-to-question-head-of-the-epa-about-toxic-spill/>



## **AG Coffman In Durango To Question Head Of EPA About Toxic Spill**

August 12, 2015 1:26 PM

DURANGO, Colo. (CBS4) – Elected officials in Colorado and New Mexico are in Durango Wednesday with questions for the head of the U.S. Environmental Protection Agency about why it took so long to report the spill of toxic water into the Animas River.

A command post has been set up in Durango by local, state and federal officials where bottled water is being passed out to residents who have wells along the Animas River. It's also a location where all the officials will meet to give the public more information about the spill at 2 p.m.

In Durango the river currently looks close to what it looked like before the toxic plume traveled through town. But it's what isn't visible below the surface of the water in the sediment that there are still a lot of questions about.

Colorado officials, including Gov. John Hickenlooper's office and Attorney General Cynthia Coffman will be questioning EPA Administrator Gina McCarthy about the spill.

"What I have heard so far from people who live here is a great deal of concern about a lack of information. I think the lag in time for the EPA to respond has concerned them," Coffman said. "Anytime the citizens feel that the government knows something that they don't they get concerned. And that is really the situation."

McCarthy says the agency takes full responsibility for the spill. An EPA crew accidentally released the wastewater that includes heavy metals such as lead and arsenic.

### **Media Matters:**

<http://mediamatters.org/blog/2015/08/12/the-conservative-medias-faux-outrage-over-the-e/204909>

## **The Conservative Media's Faux Outrage Over The EPA Mine Spill**

Blog >>> August 12, 2015 3:45 PM EDT >>> ANDREW SEIFTER

If it seems like conservative media are relishing the fact that the Environmental Protection Agency (EPA) accidentally spilled toxic wastewater into the Animas River in Colorado while attempting to treat pollution from an abandoned gold mine, it's because they are. Many of the media figures who are most ferociously criticizing the EPA over the spill have a long history of opposing EPA efforts to reduce pollution, which suggests that they are conjuring up faux outrage about this pollution in an attempt to weaken the EPA and prevent it from fulfilling its mandate to protect Americans' air and water.

The Washington Times laid out this anti-EPA strategy quite clearly in an Aug. 10 article. The Times promoted the allegation from "critics" that the mine spill "threaten[s] the credibility of the Environmental Protection Agency at a crucial moment" and provides "ammunition" for opponents of the EPA's clean air and water protections, including the Clean Power Plan. The "critics" quoted in the article included Dan Kish, a senior vice president at the oil industry-funded Institute for Energy Research, and Michael McKenna, the president of MWR Strategies, a lobbying firm that represents polluting fossil fuel interests such as Koch Industries and Southern Company.

This is just the latest attempt by The Washington Times to use industry-funded "critics" to undermine the Clean Power Plan, which would address climate change by placing the first-ever limits on carbon pollution from power plants. It follows two other Times articles that cherry-picked statements from fossil fuel industry-funded individuals and organizations to allege that the EPA climate plan "faces opposition from black [and] Hispanic leaders."

Then there's The Wall Street Journal editorial page, which revealed a newfound concern for pollution in an Aug. 11 editorial that lamented the "fiasco" in Colorado it blamed on "the green police." The Journal's stated worries about the "ecological ramifications" of the mine spill are hard to take seriously when they come from one of the most persistent critics of federal efforts to clean up pollution -- dating back to the Journal's claims about acid rain and ozone depletion in the 1970's and 1980's.

In the years since, the Journal's editorial page has consistently sided with polluting industries against EPA air and water protections. When the Supreme Court recently ruled against the EPA's Mercury and Air Toxics Standards on procedural grounds, jeopardizing a safeguard that reduces toxic air pollution linked to cancer, heart attacks, and premature death, the Journal called it "a welcome rebuke to EPA arrogance." When the EPA moved to reduce pollution by increasing fuel efficiency standards for cars and light trucks, the Journal declared that automakers were being held as "hostages" to the EPA's "crushing" rule. And when the EPA moved to protect waterways that provide drinking water for 117 million Americans, the Journal described it as an "amphibious attack" by the "Washington water police."

Now the Journal is urging states to "refuse to comply" with the EPA's Clean Power Plan, so that power plants can continue to spew unlimited amounts of carbon pollution into the air, threatening public health and exacerbating climate change.

Fox News has also been all over the EPA's mishandling of the Colorado mine spill, including comparing it to the BP Deepwater Horizon and Exxon Valdez oil spills. But Fox pundits vigorously defended BP in the wake of the 2010 spill in the Gulf of Mexico, and even claimed coverage of the Exxon Valdez spill was proof that "the press is horrible to business." They've also characterized the EPA's Clean Water Rule as a power grab, claimed that EPA officials are "job terrorists" for seeking to reduce smog, and enlisted fossil fuel industry allies to attack the EPA's carbon pollution standards.

For these conservative media outlets, pollution is only a problem when they can blame the EPA for it.

**From:** Gong, Kristiene  
**Sent:** Wednesday, August 12, 2015 3:01 PM  
**Subject:** RE: CO Mine Spill Clips - 8/12

**Business Insider:**

<http://www.businessinsider.com/when-will-the-animas-river-in-colorado-re-open-2015-8>

## **Colorado wants to re-open the river that turned mustard-yellow with toxic sludge days ago**

Lydia Ramsey

The toxic water that spilled out of an old gold mine in Colorado and stained a river deep yellow could be dissipating fast enough for the river to be re-opened as early as Wednesday.

Colorado Gov. John Hickenlooper announced Tuesday that the river in southwest Colorado, which was contaminated with toxic metals like iron and lead, has returned to pre-spill levels.

Gov. Hickenlooper wants to allow boats, rafts, and other recreational activities to return to the water. Drinking and fishing (other than catch-and-release) would still be off-limits, the Durango Herald reports.

According to the Herald, Hickenlooper said he based his decision on samples taken from the water two days after the spill, which he says show the river's pH and heavy-metal levels have returned to a normal range.

But the EPA, who caused the spill in the first place, are a little more hesitant.

At the time of the accident, the agency had been working to treat the contaminated water trapped inside the Gold King Mine, which has been closed since 1923. But while investigating the area, workers accidentally knocked down a part of the mine, allowing some 3 million gallons of metallic sludge to pour out.

The EPA isn't sure the samples collected on Friday tell the whole picture of the river's health now. Just because the results were good one day, doesn't mean it's a sign that the river's actually back to normal and safe to use.

"It doesn't show where we are at right now," Shaun McGrath, Region 8 administrator for the EPA, told Hickenlooper, the Herald reports. "You have to have a couple of days of data to show that you're actually back to baseline conditions, and we're not there yet."

EPA Chief Gina McCarthy is expected to tour the area today.

**Denver Post:**

[http://www.denverpost.com/news/ci\\_28627376/epa-chief-gina-mccarthy-durango-wednesday-see-animas](http://www.denverpost.com/news/ci_28627376/epa-chief-gina-mccarthy-durango-wednesday-see-animas)

**EPA chief Gina McCarthy in Durango to see Animas River spill**

News conference set for 2 p.m. at command center

By Jesse Paul

DURANGO — Environmental Protection Agency chief Gina McCarthy is scheduled to visit Durango on Wednesday and New Mexico on Thursday to see impacts from a massive mine wastewater spill into the Animas River caused by her agency.

She is expected to speak to the media at a 2 p.m. briefing outside a command post in Durango set up to manage the state, local and federal response to the spill.

Colorado's senators and the congressman representing Durango-area residents on Tuesday urged McCarthy to visit the disaster area in a letter.

McCarthy on Tuesday said that her agency accepted "full responsibility" for the spill, and said the agency was "absolutely deeply sorry" and that it expects lawsuits.

Gov. John Hickenlooper said Tuesday in a visit to Durango that testing showed the Animas River is returning to the acidity and metal levels that it was at before the disaster.

Authorities have closed the river in La Plata County — including Durango — and have not definitively said if it is safe for human consumption. Officials say they are waiting on results from EPA tests before making any kind of determination.

A spokeswoman for the San Juan Basin Health Department said Wednesday that results of water testing on private wells in the area have not been returned but are expected "very soon."

The department said earlier this week a call center set up to answer questions and take requests for well testing was "overwhelmed."

Sarah Jacobson, a La Plata County spokeswoman, says the EPA is paying for and conducting testing on private wells in the Animas River area.

Samples are being sent to labs in Denver and Georgia, she said.

According to Jacobson, private wells are not regularly tested for the by county or state governments. Testing responsibility falls on the part of the well's owner, she said.

The county and San Juan Basin Health Department are testing wells that serve more than one household.

McCarthy's visit comes as Colorado Attorney General Cynthia Coffman is in Durango to meet with her counterparts from New Mexico, Democrat Hector Balderas, and Utah, Republican Sean Reyes.

Coffman said Wednesday morning in an interview with The Denver Post that a lawsuit against the EPA is "certainly on the table." She said she will discuss taking legal action against the EPA with the other attorney's general.

Three million gallons of mine wastewater spilled into Cement Creek then onto the Animas River on Aug. 5 after it was released by the EPA at the Gold King Mine near Silverton. It is one of many mine sites in the area that is releasing heavy metals into the river's flow.

**From:** Gong, Kristiene  
**Sent:** Wednesday, August 12, 2015 2:23 PM  
**Subject:** RE: CO Mine Spill Clips - 8/12

**Wired:**

<http://www.wired.com/2015/08/orange-river-epas-reputation-need-cleanup/>

**THAT ORANGE RIVER AND EPA'S REPUTATION BOTH NEED A CLEANUP**

Jordan Golson

A WEEK AGO, an EPA contractor attempting to explore an abandoned mine north of Silverton, Colorado, accidentally caused the release of 3 million gallons of toxic, metal-filled mine runoff. The bright orange water flowed into the Animas River and down through the picturesque mountain town of Durango, Colorado, threatening the livelihood of many who rely on the river.

One of those is the family that owns James Ranch, north of the city in the Animas Valley. The James family has farmed their 400 acres since 1954, pulling water from the Animas River to irrigate crops, provide drinking water for their grass-fed, organic beef cattle and much more. Without the water from the river, James Ranch—which grows vegetables and flowers to sell at their farm store, and raises organic, grass-fed cattle—might not be sustainable.

Now they've turned off all their irrigation. The crops are in danger. Joe and Jennifer Wheeling stand to lose tens of thousands of dollars. "If it doesn't rain and we don't get EPA water, we're on early vacation," says Jennifer Wheeling (Jennifer's father started the ranch; she took her husband's surname upon marriage). "And it's our community who will suffer."

In the interest of full disclosure, I've lived in Durango for four years. I know many people in local government from my time as a volunteer firefighter and my (failed) run for city council—and it's a small town. I live less than two miles from the river, and I buy half a cow every year from the James family.

The Wheelings sell their wares at the James Ranch market on their family land, at Durango's weekly farmer's market, and to a number of restaurants in the tourist town. Jennifer told me about customers at the farmer's market crying over the damage to the river, wondering what might happen to the Ranch.

The Wheeling's entire tomato crop, worth thousands of dollars, will be lost if they can't water them soon.

In this part of Colorado, distrust for the state government in Denver is overshadowed only by distrust for Washington. The EPA-caused spill—and the local perception of poor communication that followed—has only increased that distrust. The EPA has promised to reimburse local residents and business owners for damages, but that could take months and the Wheeling's are skeptical of the EPA's response.

EPA officials in Durango told me that affected residents or businesses will get access to clean drinking and irrigating water. But the Wheelings haven't been able to water their crops in nearly a week, and say that they're getting nowhere with the EPA.



Desperate, they called in a political favor: An aide to Michael Bennett, one of Colorado's senators, is a huge fan of the Wheeling's sugar snap peas. The Wheelings called the aide, and he got Senator Bennett to make a call to the EPA. Thanks to their political connections, the Wheelings are expecting delivery of a 1,600-gallon tank and clean water for it on Wednesday, but it may not be enough to save their tomato, squash, pumpkin and flower crops—not to mention those sugar snap peas. After that, they may well be on their own. "The season may be over and we don't have anything to sell, but we'll keep the ground fertile," says Jennifer. "If we have to back away and our customers won't get their red tomatoes, that's life in agriculture."

David Ostrander, unified commander for the EPA response in Colorado, told me that the EPA was not, in fact, planning on providing clean water for irrigation uses anywhere else because of the volume required. The agency will only provide clean water for livestock and domestic uses.

Farmers aren't the only people taking a hit. Local rafting companies, finishing up one of their best years in recent memory, have cancelled thousands of reservations. And even though the river now looks mostly back to normal, reports in the international press that used a now-famous photograph showing the river turned bright orange, have many local tourism advocates worried.

"The message is: Durango is open for business," says Jack Llewellyn, executive director of the Durango Chamber of Commerce. Water activities are still available at many local lakes and rivers, and Durango's drinking water is completely safe. (It comes from a different river, to the east). A Colorado Parks and Wildlife spokesperson told me that the agency didn't expect any impact on terrestrial wildlife because of the incident, and that hunting season would go forward as normal.

On Tuesday, Ostrander said that preliminary results on Animas River water around Durango indicated a return to pre-event levels, but it's likely that much of the heavy metal content has ended up in sediment on the bottom of the river. The EPA expects to release more sampling data on Wednesday. EPA administrator Gina McCarthy has a planned visit that day, too.

Still, that heavy federal government presence is making some locals uneasy, their preexisting distrust for government officials multiplied by the fact that it was the EPA themselves that caused the mess. And it's not just locals—Governor John Hickenlooper criticized the EPA in a Tuesday visit to a Colorado Parks and Wildlife fish hatchery along the Animas River. “You guys don’t call for days anyway,” the governor said, according to a report in the Durango Herald. Other local and state government officials similarly complained to me about poor communication from the EPA.

Though the EPA has repeatedly promised to clean up their mess and make things right, locals are much more interested in actions than promises. And either way, Durangoans are an optimistic bunch. We’ll get things back to normal again—with or without the government’s help.

**Daily Caller:**

<http://dailycaller.com/2015/08/12/congressmen-epa-must-answer-for-spilling-toxic-waste/>

**Congressmen: EPA Must Answer For Spilling Toxic Waste**

MICHAEL BASTASCH

1:17 PM 08/12/2015

Republican congressmen are calling for the EPA to be held accountable for spilling 3 million gallons of toxic mine wastewater into the Animas River last week, especially since the agency is a government entity and won’t be punished to the same degree a private company would for spilling waste.

“The EPA must be held accountable for its actions,” Rep. Lamar Smith told The Daily Caller News Foundation in an emailed statement. “If a private company caused such a disaster, it would be hit with substantial penalties and would be required to pay for cleanup.”

“In this case, it will be the taxpayers who foot the bill,” the Texas Republican said. “The EPA has an obligation to the families and businesses that have been devastated by this spill.”

The EPA has taken the responsibility for the spill and agency chief Gina McCarthy is set to visit areas of Colorado and New Mexico that have been harmed by the spill. Both Colorado and New Mexico have declared a state of emergency and allocated funding towards helping those affected by the spill.

McCarthy’s visit, however, is unlikely to be a happy one, as state officials and residents are furious with the agency for accidentally spilling millions of gallons of waste. The spill has already forced tourism businesses in the area to close until the contaminates in the river return to safe levels.

Republican lawmakers are already demanding the EPA turn over information on the spill and hold regular briefings with lawmakers on the agency’s progress.

“This has and will continue to lead to significant economic damage to local businesses, farmers, tribes, and residents,” Sen. Jim Inhofe, an Oklahoma Republican, said in a statement. “I will work within the Committee and with my colleagues in Congress to ensure the EPA is held accountable to this grave incident and that those impacted are provided the necessary support to move forward.”

Republicans have specifically pointed out the EPA won’t be subject to the same level of scrutiny as a private company would. As a government agency the EPA can’t fine itself the way it would fine a private entity for spilling toxic waste. Many other mining companies have been fined millions of dollars for spills that were likely smaller than the one at Gold King Mine.

“Sovereign immunity. The government doesn’t fine itself,” Thomas Sansonetti, a former assistant attorney general at the Justice Department, told the Washington Times. “The EPA does not fine itself the way that you would fine an outside company like BP.”

So how much would a private company have to pay for a spill of this size? It's not exactly clear, but it would likely be a sizable fine.

"The CWA does not specify how much a fine for this should be," M. Reed Hopper, an attorney with the Pacific Legal Foundation, told The Daily Caller News Foundation. "I believe the Army Corps of Engineers or EPA would have to take into account the amount of the spill, the harm done to the environment, and the negligence of the agency in causing the spill."

While there are many considerations that go into fining a private party for violating the CWA, the EPA's website contains information on the punishment for those who "negligently or knowingly" discharges pollutants "from a point source into a water of the United States without" a permit or in excess of a permit.

(Note: "knowingly" discharging a pollutant can apply to parties who may actually be aware they're violating the law)

The EPA's website says a negligent violation could carry a one-year penalty and/or \$2,500 – 25,000 per day" in fines — and that's per violation. The EPA adds that knowing violations can carry a "3 years and/or \$5,000 – 50,000 per day" penalty.

"So, the fine would be on some sort of sliding scale, but would be substantial for a private party," Hopper said. "Depending on the content of the discharged material, other federal laws may come into play such as CERCLA (Superfund) and clean up costs could be levied against the discharger at a very steep price. As for whether a private party would be criminally liable, some have gone to jail for less."

Interestingly enough, private actors who have been found guilty of spilling waste in waterways have been fined millions of dollars. In March 2011, Consol Energy was fined \$5.5 million for violating the Clean Water Act (CWA) by emitting chloride and other pollutants into a West Virginia creek. On top of that, the company was forced to install \$200 million in water pollution controls.

That same month, Arch Coal was fined \$4 million for violating the CWA by discharging more waste into Appalachian waterways than their federal permits allowed. The company also had to take measures to ensure the spills never happened again. The next month, a subsidiary of Monsanto was slapped with a \$1.4 million fine for discharging wastewater with selenium and other heavy metals without a permit in Idaho — the company paid \$875,000 monitoring equipment.

**Washington Times:**

<http://www.washingtontimes.com/news/2015/aug/12/indians-say-epa-trying-swindle-them-mine-spill/>

**Indians say EPA trying to swindle them in mine spill**

By Stephen Dinan - The Washington Times - Wednesday, August 12, 2015

The EPA is trying to cheat Navajo Indians by getting them to sign away their rights to future claims from the agency's Gold King Mine disaster, tribal officials charged Wednesday, adding more to the administration's public relations problems over the spill that threatens critical Southwest waterways.

EPA officials were going door-to-door asking Navajo, some of whom don't speak English as their primary language, to sign a form that offers to pay damages incurred so far from the spill, but waiving the right to come back and ask for more if their costs escalate or if they discover bigger problems, Navajo President Russell Begaye told The Washington Times.

"It is underhanded. They're just trying to protect their pocketbook," Mr. Begaye said in a telephone interview.

Mr. Begaye has already promised a lawsuit on behalf of the Navajo Nation, and said he suspects the EPA is trying to buy off as many Navajo as possible now to head off a bigger settlement later.

The spill has dumped millions of gallons of polluted water into the Animas River, which feeds the San Juan river and eventually the Colorado River, which provide water for grazing and crops in much of the Four Corners area, which is the confluence of Arizona, Colorado, New Mexico and Utah. The Navajo Nation covers much of that territory.

The EPA did not have an immediate comment on Mr. Begaye's charges Wednesday.

Rep. Rob Bishop, chairman of the House Natural Resources Committee, said through a spokeswoman that he's heard the complaints from the Navajo Nation and will be investigating the entire disaster.

"Chairman Bishop is outraged at the reports that the EPA is asking tribal members to sacrifice their rights after EPA's ineptitude has potentially threatened their health and livelihoods," spokeswoman Julia Bell Slingsby said. "People are suffering because of EPA negligence and yet the federal government's response is not to help, but to engage in grasping for legal cover before the full extent of damage is known to Navajo farmers."

She said the EPA would come down hard on a private party who tried the same tactics, and demanded to know why the Interior Department, which has oversight of Indian affairs, hasn't come to the aid of the tribes.

Mr. Begaye said the situation is all the more enraging because the EPA has admitted it will take decades to clean up the spill, yet the agency is pushing for Navajo to calculate their costs now and sign away their rights for the future.

He also said EPA workers have said there are other mines that could also face similar problems, and said the priority should be on fixing those and cleaning up the current spill, which is still flowing, rather than trying to deflect liability.

“Our leadership from the White House — it’s almost nonexistent. And now they’re asking us to waive all of this stuff, and the yellow water is still flowing into the river, nothing has been contained,” he said. “It’s just a huge — I don’t want to use the word coverup, but it’s just government not doing its job, causing all of this to happen to our people, our land, our economy.”

**From:** Gong, Kristiene  
**Sent:** Wednesday, August 12, 2015 1:10 PM  
**Subject:** RE: CO Mine Spill Clips - 8/12

**St. George News:**

[http://www.stgeorgeutah.com/news/archive/2015/08/12/mgk-colorados-mine-spill-not-expected-affect-washington-county-water-deliveries/#.Vctv2\\_1VhHw](http://www.stgeorgeutah.com/news/archive/2015/08/12/mgk-colorados-mine-spill-not-expected-affect-washington-county-water-deliveries/#.Vctv2_1VhHw)

**Colorado’s mine spill not expected to affect Washington County water**

Written by Mori Kessler

August 12, 2015

WASHINGTON COUNTY – With eyes on the toxic plume of mine wastewater from the Gold King Mine in Colorado moving into the San Juan River and possibly Lake Powell, people have begun to ask the Washington County Water Conservancy District if the county water supply is at risk.

The short answer: No.

“Washington County Water Conservancy District does not anticipate any interruptions to

water service in Washington County as a result of the San Juan River contamination caused by the Gold King Mine spill in Colorado,” WCWCD officials said in a press release Tuesday.

The county’s water supply comes from the Virgin River watershed, officials said. Water is currently not received from the San Juan River or Lake Powell.

The majority of the district’s water is collected from the Virgin River

“The majority of the district’s water is collected from the Virgin River at the Quail Creek Diversion and transported via pipeline to the county’s two largest off-stream reservoirs: Quail Creek and Sand Hollow,” officials said in the release.

Should there be any contamination in the area, the district’s water system is designed to allow the Virgin River to bypass it.

“Storage in the district’s reservoirs is adequate to serve municipal demands should collection of river water be temporarily ceased for any reason,” officials said.

Last week the Gold King Mine in Colorado began to spill toxic wastewater into Colorado River after a cleanup crew under the Environmental Protection Agency accidentally released it. The toxic water turned the river orange and then yellow for some 40-60 miles as it drifted downstream.

It is estimated by the EPA that 3 million gallons of the wastewater was released into the Colorado River

As of Sunday, it is estimated by the EPA that 3 million gallons of the wastewater was released into the Colorado River. Contaminants include heavy metals, including lead and arsenic.

Sen. Orrin Hatch, senior Republican in the Senate, has called for change at the EPA in the



wake of the spill.

“Going forward, I will do everything in my power to ensure that the EPA cleans up this mess and ensures that mistakes such as this don’t happen again,” Hatch said, and added:

This disaster emphasizes the need for the EPA to focus on fulfilling its existing responsibilities, instead of focusing its resources on imposing expensive new regulations that kill jobs and hurt family budgets.

In San Juan County, access to drinking water from the river has been shut off for the time being. Fresh water is being trucked in for county residents in affected areas.

The Utah Department of Environmental Quality is currently testing parts of the San Juan River to determine the overall water quality and assess any potential risks.

“As the contaminated water makes its way west into Utah, I’m highly concerned about its effects on the water upon which our agriculture, industry, recreation, and municipalities depend,” Hatch said.

Depending upon how much the toxic plume dilutes, the minimal could be minimal, though nothing will be known sure sure until testing is completed, state officials said.

The EPA has not said how long cleanup efforts will take.

**Newser:**

<http://www.newser.com/story/211215/toxic-water-still-leaking-into-colorado-river.html>

## **Toxic Water Still Leaking Into Colorado River**

OTHER ABANDONED MINES ARE NOW THE ISSUE, OFFICIALS SAY

By Arden Dier, Newser Staff

Posted Aug 12, 2015 11:37 AM CDT

(NEWSEr) – The wastewater spill into Colorado's Animas River isn't just more severe than the Environmental Protection Agency initially estimated: It's steadily getting worse in terms of volume, even a week after the initial incident. Between 500 and 700 gallons of metal-laced water is still spilling from the abandoned Gold King Mine each minute—enough water to fill an Olympic-sized swimming pool per day, at least—though experts are treating the water in emergency settling ponds, the New York Times reports. The Denver Post reports another 540 to 740 gallons of acid drainage is flowing each minute from three adjacent mines, while many others are reportedly leaking.

The water is "loaded with dissolved metals...even though the river now looks clear," says the director of Colorado's abandoned mines reclamation program. "We had a disaster last week—a surging amount of water coming out. That same amount of water is coming out over six months and harming the Animas." He demands the EPA work to solve the problem. "We're working tirelessly to respond and have committed to a full review of exactly what happened to ensure it cannot happen again," an EPA rep says of the Gold King Mine leak. The Post reports state mining officials plan to deliver a map of 200 leaking mines to Gov. John Hickenlooper by tomorrow.

### **KTVQ:**

<http://www.ktvq.com/story/29770397/spill-sheds-light-on-legacy-of-abandoned-mines-out-west>

## **Spill sheds light on legacy of abandoned mines out West**

By CBS News

A week ago, the Animas River was best known as a popular white water rafting destination and its pristine water prized by residents in Colorado and New Mexico.

Today, it serves as a troubling reminder of the legacy left behind by the abandoned gold and silver mines that dot much of the West.

Last Wednesday, a crew working for the Environmental Protection Agency accidentally breached a dam holding back heavy metals used in the defunct Gold King Mine near Silverton, Colorado that sits at an elevation of about 11,000 feet.

As a result, 3 million gallons of toxic waste are now pushing down the Animas and San Juan rivers that cross Colorado, New Mexico and Utah, turning the waterways a sickly yellow-orange. Initially, the EPA estimated the plume carried at least 200 times more arsenic and 3,500 times more lead than is considered safe for drinking.

So far, there are few signs that wildlife has been harmed but residents living along the rivers are concerned the toxic brew could contaminate their drinking water, prompting the EPA to launch a series of tests along the rivers. EPA Administrator Gina McCarthy said Tuesday the agency "is taking responsibility to ensure that it is cleaned up."

Even when this abandoned Colorado gold mine is finally plugged and the water treated, the problem with abandoned mines is unlikely to go away.

"I think this was a disaster waiting to happen," Lauren Pagel, policy director for Earthworks, a nonprofit that works to highlight the adverse impacts of mining, told CBS News.

"There are similar mines across the West that are currently polluting our waterways at a slower rate than this unfortunate disaster," she said. "There are very few funds to clean them up and stop another disaster like this from happening."

There are hundreds of thousands of abandoned mines out West. Many hold tens of billions of tons of waste containing arsenic, asbestos, cadmium, cyanide and mercury.

For decades, the dangers of abandoned mines have been well understood, but a mix of political inertia and lack of funds has stymied efforts to clean up the problem.

"This is a problem everyone has known about and we all predicted there would be a catastrophic failure at some point," said Mark Williams, a fellow at the Institute of Arctic and Alpine Research at the University of Colorado Boulder.

A 1993 report from the Mineral Policy Center (now known as Earthworks) found that there were 557,650 abandoned mine sites in 32 states and that the cost then of cleaning them up was as much as \$72 billion. The majority of these mines are located out West in Colorado, Utah, Arizona, New Mexico and California.

Known as hard rock mines, many date back to the height of the California Gold Rush in the 1800s. Miners swept across the Rocky Mountains in search of gold and silver in the 1870s and 1880s. The bulk of the mines were exhausted by World War I.

The mine owners left behind as much as 50 billion tons of untreated, unreclaimed mining waste. The Mineral Policy Center report found they have already polluted 12,000 miles of the nation's waterways and 180,000 acres of lakes and reservoirs and "are a growing threat to underground aquifers."

In California, the legacy of the gold rush still haunts the state. A report from the Sierra Fund found that "mercury, acid mine drainage, and other contaminated sediments left behind from mining threaten the water, plants, and people of the entire state."

**KESQ:**

<http://www.kesq.com/news/the-real-culprit-in-the-animas-river-spill/34674998>

## **The real culprit in the Animas River spill**

By Lauren Pagel

POSTED: 09:47 AM PDT Aug 12, 2015

(CNN) -

Last Wednesday, the United States experienced one of its worst hardrock-mining-related disasters in decades, and I wish I could say that I was surprised.

A gold mine that has been inactive since 1920 spilled 3 million gallons of toxic mining waste into the Animas River in Colorado after contractors working for an Environmental Protection Agency cleanup team using heavy equipment accidentally sent it flowing into the waterway. The spill has spread from Colorado into New Mexico and now into Utah -- affecting over 100 river miles.

What the headlines and photos of bright orange rivers fail to convey is that this mine and thousands of others like it across the country perpetually leak this type of mine pollution into our waters.

If there is anything I have learned from the past 15 years of working on this issue, it's that absent strong regulations and better-designed mines, mining companies will continue to pollute with impunity.

Earthworks estimates that there are over 500,000 abandoned and inactive hardrock mines strewn across the country, with a hefty price tag attached to their clean up -- \$50 billion, according to an EPA estimate.

Western communities face significant burdens associated with these old mines -- ranging from a disaster from a failed cleanup like the one that occurred last week, to more persistent water pollution issues, and the ever-present danger of improperly secured underground mines that pose a serious threat to public safety. At least 40% of the streams feeding the headwaters of Western watersheds are polluted from mining. That's because many mines -- like Gold King -- have significant acid mine drainage problems, which can persist for thousands of years if left untreated.

Unfortunately, in the 25 years since Earthworks first published our report on the legacy of abandoned mines, not much has changed. The reason for the lack of action is the antiquated law, 143 years old and counting, that still governs hardrock mining on public lands throughout the West.

President Ulysses S. Grant signed the 1872 Mining Law to help settle the West. And even though the West has surely been settled, this law is still on the books -- unchanged. It allows corporations, foreign and domestic, to take public minerals, owned by us, the taxpayers, for free. It contains no environmental provisions, requires no cleanup after mining is over, and unlike the law governing coal mining, does not require hardrock mining companies to pay a fee to clean up the legacy of pollution.

This archaic law is why funds to clean up mines like Gold King remain limited, despite the magnitude of the problem, putting safe drinking water and our healthy environment at risk. A steady stream of long-term funding for hardrock mine cleanup, similar to the coal industry's abandoned mine fee, is essential to dealing with the scope of the problems we face from mine pollution.

U.S. Rep. Raul Grijalva, D-Arizona, has introduced legislation that would bring mining law into the 21st century. It would charge the mining industry a modest reclamation fee that would generate \$200 million per year to fund abandoned mine restoration and create an estimated 13,000 annual jobs. HR 963, the Hardrock Mining Reform and Reclamation Act of 2015, can protect communities, precious water resources and help avert future disasters.

Westerners should stand up and take notice: Our communities are at risk. This is not our first mining disaster and it won't be the last. Until we tackle the root cause of mining pollution and modernize the 1872 mining law, we are gambling away our most precious

resource, water.

**From:** Gong, Kristiene  
**Sent:** Wednesday, August 12, 2015 12:02 PM  
**Subject:** RE: CO Mine Spill Clips - 8/12

**Denver Post:**

[http://www.denverpost.com/news/ci\\_28626632/animas-river-lawsuit-against-epa-table-colorado-ag](http://www.denverpost.com/news/ci_28626632/animas-river-lawsuit-against-epa-table-colorado-ag)

**Animas River lawsuit against EPA 'on the table,' Colorado AG says**

Cynthia Coffman says she will explore suit while meeting with her New Mexico, Utah counterparts

By Jesse Paul

DURANGO — Colorado Attorney General Cynthia Coffman said Wednesday that a lawsuit against the Environmental Protection Agency is "on the table" after a massive wastewater spill caused by the agency fouled the Animas River last week.

"I would hope that it would not be necessary," Coffman, a Republican, said. "The statements by the (EPA's administrator) indicate the EPA is accepting responsibility for the accident. The question is: What does that mean? What does accepting responsibility mean?"

Coffman talked about Colorado's legal response with The Denver Post as she prepared to meet with her counterparts from New Mexico, Democrat Hector Balderas, and Utah, Republican Sean Reyes.

Coffman said she already has been in contact with Balderas and Reyes over the phone.

"The federal government and the EPA have some immunity from legal action," Coffman said. "It depends on the circumstances. It is not impossible for a state to sue."

Three million gallons of mine wastewater spilled into Cement Creek then onto the Animas River on Aug. 5 after it was released by the EPA at the Gold King Mine near Silverton. It is one of many mine sites in the area that is releasing heavy metals into the river's flow.

In the spill's wake, a drumbeat of politicians throughout the southwest have come forward to lambast the EPA on its response and the dearth of information they've released.

Gov. John Hickenlooper on Tuesday in Durango said that while he was angered by the EPA's initial response to the spill, he is now looking forward to what can be done in the future.

Coffman said any potential legal action taken against the EPA would look at natural resource damages, costs of remediating the river and the surrounding land and any wildlife impacts.

"With heavy metal discharge like we're seeing, from a mine with arsenic, lead and copper and cadmium, my understanding is you don't often see the results in fish for two to three years," she said. "As heavy metals sink they become a part of the river and have a longer term impact."

Coffman said a claims process set forth by the EPA this week is a start, but it remains to be seen if it will be enough.

The attorneys general meeting comes as EPA chief Gina McCarthy is scheduled to visit Durango and Farmington, N.M., on Wednesday. McCarthy on Tuesday said that her agency accepted "full responsibility" for the spill, and said the agency was "absolutely deeply sorry" and that it expects lawsuits.

The EPA says the McCarthy will speak to the media at 2 p.m. in Durango outside of a command post set up in the wastewater spill's aftermath.



McCarthy's media availability was announced Wednesday morning and is set for the same time as the three attorneys general were slated to speak at a previously scheduled news conference at a different location.

This is a developing story that will be updated.

### **Live Science**

<http://www.livescience.com/51831-colorado-mine-spill-cleanup.html>

## **Colorado Mine Spill Aftermath: How to Clean a River**

by Stephanie Pappas, Live Science Contributor

August 12, 2015 10:29am ET

On Aug. 5, Environmental Protection Agency (EPA) workers inadvertently breached a wall of loose debris that was holding back a pool of mustard-hued wastewater from the abandoned Gold King Mine near Silverton, Colorado.

With a sudden gush, some 3 million gallons (about 11 million liters) of acidic, heavy-metal-laden water flooded into Cement Creek, a tributary of the nearby Animas River. From there, the plume headed downstream into the San Juan River (a major tributary of the Colorado River), headed for New Mexico and, eventually, Lake Powell on the Utah-Arizona border.

On the way, the plume traveled through Durango and Navajo Nation land in New Mexico, forcing warnings against touching the water, drinking it or using it for irrigation. The EPA is now scrambling to clean up the mess.

But how do you clean up a river? The answer, according to the agency and an outside

expert, is twofold: treatment and dilution.

The Gold King Mine is one of an estimated 23,000 abandoned mines dotting the state of Colorado. Prospectors and mining companies dug gold-bearing ore and other precious metals out of the ground in the state for decades, but they had little responsibility for cleaning up after the mines closed. It wasn't until the federal Surface Mining Control and Reclamation Act passed in 1977 that mining operators had to create a plan for cleaning up defunct mines.

That act established funding for states to clean up long-abandoned mines, like the Gold King (which closed in the 1920s). But funds, drawn from taxes on coal-mining companies, are limited. The Colorado Division of Reclamation Mining & Safety gets about \$2 million a year, and that amount has allowed the closing of 6,127 abandoned mine shafts in the state since 1980. But that state agency has almost no money for environmental remediation beyond simply closing entrances and preventing mine collapse. There have been previous efforts to turn the area around the Gold King Mine into a Superfund site, which would fast-track funds for the containment of any toxic waste. But local opposition sunk those plans.

Meanwhile, abandoned mines leak out toxic wastewater all over the state. The EPA was working at the Gold King Mine as part of an effort to slow acidic mine water that was leaking into Cement Creek from the Red and Bonita Mine farther down the mountain. The plan was to build a cement bulkhead to plug the leak, with pipes that would allow the slow release and treatment of water. Instead, the crew's machinery breached a debris wall that was holding back the nasty brew lurking in the Gold King Mine.

The mine water is toxic because it contains dissolved pyrite, or iron sulfide, better known as fool's gold. The combination of iron sulfide, water and oxygen results in the formation of sulfuric acid.

"All you need is air and water" to create acid mine drainage, said Ron Cohen, a professor of civil and environmental engineering at the Colorado School of Mines who has been involved in mine remediation internationally.

This acidic water then leaches heavy metals — such as zinc, lead and cadmium — from the

ground. Arsenic levels also spiked after the mine blowout to more than 25 times the state limit for water safety. The mustard-yellow color of the water is caused by oxidized iron, Cohen said — similar to the rust on an old nail.

"The old-timers used to call it 'yellow boy,'" he said.

The EPA's emergency cleanup is a quick version of typical mine treatment. According to news releases, the agency has excavated four holding ponds below the mine breach. Crews are treating the water in these ponds with caustic soda (sodium hydroxide) and lime (calcium oxide), which are very basic in pH. The goal is to reduce the acidity of the water.

"When the water is rather basic in nature, considerably above pH 7 [neutral], most of your metals will come out of the] solution," Cohen told Live Science.

This process is often visible, Cohen said. Seemingly clear water will turn cloudy as the dissolved metals settle out.

The sludge left behind can be stripped of water and disposed of, Cohen said. Once they're not in their dissolved form, the metals are far less toxic to the environment.

On Aug. 10, the EPA reported that the water released from its treatment ponds was cleaner and less acidic than the water in Cement Creek had been even before the spill. The agency did not respond to requests for comment.

The EPA and other agencies are monitoring wildlife and testing water quality downstream from the mine, all the way into New Mexico. The good news, Cohen said, is that dilution and time will likely go a long way toward mitigating the long-term consequences of the spill.

Three million gallons of water (which spilled out of the mine) equals approximately

400,000 cubic feet. That's no small amount, but about 8 million cubic feet of water flows through Cement Creek each day, Cohen said. As the contaminated water flows into larger and larger bodies of water, it will become increasingly diluted. Lake Powell currently holds about 560 billion cubic feet of water.

However, that dilution doesn't negate the ongoing challenges caused by Colorado's abandoned mines, which tend to wreak environmental havoc on their own. Many leak constantly at low levels, or release toxic waste during the spring melt each year. Others occasionally put out large pulses of contamination. In 2009, thousands of gallons of bright-orange mine waste poured into Clear Creek, west of Denver. Similar spills have happened at the California Gulch Superfund site near Leadville, Colorado, and at the Summitville Mine near Del Norte, Colorado. [10 of the Most Polluted Places on Earth]

"We've had many of these spills without the EPA's help," Cohen said. Many of the mines closed nearly a century ago, leaving no one to hold responsible for the mess.

"There is a real limitation due to resources — both human resources and money resources — to be able to go after these sites aggressively," Cohen said.

**From:** Ludwigsen, Emily  
**Sent:** Wednesday, August 12, 2015 11:03 AM  
**Subject:** RE: CO Mine Spill Clips - 8/12

**The Daily Caller**

<http://dailycaller.com/2015/08/11/will-epa-fire-contractors-that-caused-the-toxic-mine-waste-spill/>

**Will EPA Fire Contractors That Caused The Toxic Mine Waste Spill?**  
Michael Bastasch

August 11, 6:12PM

The EPA has not yet decided what to do with the government contractors responsible for unleashing millions of gallons of toxic mine wastewater into a Colorado river.

“The decision about EPA contractors has not been made,” an agency spokeswoman told The Daily Caller News Foundation. The agency did not respond to TheDCNF when asked when that decision would be made.

Last week EPA contractors accidentally released three million gallons of toxic mine wastewater from Colorado’s Gold King Mine while using heavy equipment. They were attempting to open the mine up so they could treat the wastewater inside, but instead released toxic waste and turned the Animas River bright orange.

Preliminary tests by Colorado officials, however, showed the Animas River “doesn’t appear” to carry a public health risk. After initially spiking, “the metal levels along the river in the Durango area have returned to pre-incident levels,” according to CNN. The contaminates eventually found their way to New Mexico, and the state declared a state of emergency.

Republican Gov. Susana Martinez issued an executive order Monday which gives \$750,000 to test well water, study the spill’s long-term effects and support state agency responses to the spill. The state’s environmental department also got another \$500,000 in emergency funds.

“Until we can advise New Mexicans that our water and the Animas River are safe, once again, we continue focusing on fixing the problem, not the blame game,” a spokeswoman with the New Mexico Environment Department told TheDCNF. “Ultimately we will ensure that New Mexico is fairly compensated for the activities associated with EPA’s Gold King Mine spill.”

Republican lawmakers are demanding answers from the EPA regarding the Gold King Mine spill. Southern Coloradans living downstream are furious with the EPA and some are worried tourism will be negatively impacted.

“The river is basically closed so that shuts down all the rafting,” Andy Corra, the owner of 4Corners Riversports, told CNN. “They’re losing all their revenue.”

“One day business is booming, and the next day, boom, it’s shut off,” Corra said. “It’s a huge bummer for the whole industry.”

EPA Chief Administrator Gina McCarthy will travel to the regions affected by the spill. The agency has set up a website to continually update the public on spill cleanup operations.

“This is a tragic and unfortunate incident, and EPA is taking responsibility to ensure that it is cleaned up,” McCarthy said at an event Tuesday. “We are committed to helping the people throughout the Four Corner Regions who rely on these rivers for their drinking water, irrigation water and recreation. We know how important it is to them.”

## **KUNC**

<http://www.kunc.org/post/animas-river-spill-stark-reminder-colorados-mine-pollution-legacy#stream/0>

### **Animas River Spill A Stark Reminder Of Colorado's Mine Pollution Legacy**

Stephanie Paige Ogburn

August 11, 11PM

Say the names of these Colorado towns out loud: Silverton. Leadville. Silver Plume. Rico. Bonanza. Ironton. The last two are ghost towns, but the names of each allude to a history that - most of the time - is nearly invisible to most of the state's residents.

That mineral-rich past burst into the public consciousness after Environmental Protection Agency workers mistakenly triggered a release of contaminated water from the Gold King mine just above Silverton. The rust-colored water, laden with iron and several heavy metals, including very high concentrations of arsenic and lead, oozed its way down the Animas River, through the town of Durango and into New Mexico and beyond.

In the spill's wake, many questions have been raised. One is, just how big is the scale of mining wastewater problems in Colorado? Another is, what is being done to clean them up?

Look at a map plotting abandoned mine lands across Colorado, and you'll see a Jackson Pollock-esque spray of colored dots - gold, silver, lead, uranium - scattered atop and between mountain ranges. Colorado has a whole branch under its Department of Natural Resources called the Inactive and Abandoned Mine Reclamation Program. The head of the branch, Bruce Stover, said the state has been working for years to address the issue of pollution from approximately 22,000 abandoned mines.

"We try to go in and characterize which mines are the worst offenders. Is it this drain over here, is it that waste pile over there? And we try to do projects that incrementally chip away at the overall problem," said Stover.

The work is certainly incremental. When asked how long it would take to clean up even three-quarters of the mines leaking hazardous materials, Stover sighed, and said "decades. It's just going to take a long time."

That's partly because there's not nearly enough money to pay for cleanups. Stover notes most of these mines don't have owners now. So there's no responsible party to foot the bill.

"It's a huge problem in Colorado because these are old, abandoned active mines and they don't have any owners and they are just draining."

Which gets to the next issue: who pays for cleaning up mines without owners?

Turns out, it's you. The funding for cleanups, according to Stover, comes largely from the Environmental Protection Agency. Sometimes it's under Superfund, but more often it comes from funds that help states meet Clean Water Act standards.

"The state doesn't really have the money to tackle these draining mines," Stover said.

Neither state nor federal agencies were able to provide a list of all the streams in Colorado impaired by acid mine drainage, which often causes high acidity and heavy metal concentrations. EPA data from 2010 does give a sense of the problem's scope, though. The agency reports 200 miles of streams in the state were too acidic to meet Clean Water Act standards. On the metals side, over 1,000 miles of streams in Colorado exceeded Clean Water Act standards for copper. Other metals that leach from mines, like lead, zinc, cadmium and arsenic are also causing problems in many hundreds of miles of streams.

### **Sky News**

<http://www.skynews.com.au/news/world/nthamerica/2015/08/12/toxic-spill-from-us-mine-still-on-the-move.html>

#### **Toxic spill from US mine still on the move**

August 12, 9:02AM

Environmental scientists have tested a key US river for signs of a toxic waste spill from a botched Colorado mine clean-up that prompted a state of emergency in the country's southwest.

What started as an 11.4 million litre orange-hued plume last Wednesday in the swift-moving Animas River dissolved from view as it made its way down the slower San Juan



River in New Mexico.

No longer easily visible, it was nevertheless flowing on into Utah and the Lake Powell reservoir in the direction of the Colorado River and Grand Canyon, leaving behind questions as to its long-term effect.

'It's so diluted, you can't really see it,' Donna Spangler, a spokeswoman for the Utah Department of Environmental Quality, told AFP by telephone.

Intensive water testing is nevertheless underway for signs of such cancer-causing toxins as lead and arsenic, with results expected in a matter of days.

The spill prompted states of emergency to be declared in Colorado, New Mexico and the vast Navajo Nation reservation that straddles state lines.

Towns along the Animas and San Juan stopped drawing water from the two rivers, and kayakers and rafters were told to stay on land until Monday at the latest.

The spill, estimated to be 130km long, was a major embarrassment for the Environmental Protection Agency (EPA), the federal government agency charged with combating pollution.

It was supervising an attempt to halt a slow leak of toxic waste from the long-abandoned Gold King mine near the Colorado town of Durango when an earth-moving backhoe unleashed a deluge instead.

**From:** Ludwigsen, Emily

**Sent:** Wednesday, August 12, 2015 10:49 AM

**Subject:** RE: CO Mine Spill Clips - 8/12

**ABC News**

<http://abcnews.go.com/WNT/video/state-emergency-colorado-toxic-river-heading-grand-canyon-33001311>

**State of Emergency in Colorado Over Toxic River Heading Toward the Grand Canyon (Video)**  
August 12

**Associated Press (via AOL)**

<http://www.aol.com/article/2015/08/11/navajo-president-epa-says-spill-cleanup-could-take-decades/21221413/>

**Navajo president: EPA says spill cleanup could take decades**

Susan Montoya Bryan and Ellen Kickmeyer  
August 11, 6:29PM

ALBUQUERQUE, N.M. (AP) — Townspeople affected by the millions of gallons of waste spilled from an abandoned gold mine and now flowing through their communities demanded clarity Tuesday about any long-term threats to their water supply.

Colorado and New Mexico made disaster declarations for stretches of the Animas and San Juan rivers and the Navajo Nation declared an emergency as the waste spread more than 100 miles downstream, where it will reach Lake Powell in Utah sometime this week.

EPA workers accidentally unleashed an estimated 3 million gallons of orange-yellow waste, including high concentrations of arsenic, lead and other potentially toxic heavy metals, while inspecting the long-abandoned Gold King mine near Silverton, Colorado, on Aug. 5.

EPA Administrator Gina McCarthy, who plans to tour the damage personally, said Tuesday in Washington, D.C., that she takes full responsibility for the spill, which she said "pains me to no end." She said the agency is working around the clock to assess the environmental impact.

EPA officials said the shockingly bright plume has already dissipated and that the leading edge of the contamination cannot be seen in the downstream stretches of the San Juan River or Lake Powell.

So far, the Bureau of Reclamation has no plans to slow flows on the lower Colorado River, below Lake Powell, where the water is a vital resource for parts of California, Arizona, Nevada, New Mexico and Utah.

Chris Watt, a bureau spokesman in Salt Lake City, said his agency is testing the water at the request of the EPA, and can't discuss the impact without learning the results.

None of this has eased concerns or quelled anger among people in the arid Southwest who depend on this water for their survival.

The Navajos, whose sovereign nation covers parts of New Mexico, Utah and Arizona, shut down water intake systems and stopped diverting water from the San Juan River. Navajo Nation President Russell Begaye told The Associated Press that regional EPA officials told him the cleanup could take decades.

"Decades. That is totally, completely unsettling," Begaye said. "This is a huge issue. This river, the San Juan, is our lifeline, not only in a spiritual sense but also it's an economic base that sustains the people that live along the river. You're taking away the livelihood and maybe taking it away from them for decades. ... That is just, to me, a disaster of a huge

proportion. And we have yet to hear from the Obama administration."

Heavy metals from Gold King and other defunct mines in Colorado have been leaching out and killing fish and other species for decades as rain and snowmelt spills from mining operations left abandoned and exposed. The EPA has considered making part of the Animas River in Colorado a Superfund site for a quarter-century.

It would have provided more resources for a cleanup, but some in Colorado opposed Superfund status, fearing the stigma and the federal strings attached, so the EPA agreed to allow local officials to lead cleanup efforts instead.

Now the Attorneys General of Utah, New Mexico and Colorado are coordinating a response to ensure "whatever remediation is necessary occurs as quickly as possible," Utah Attorney General Sean Reyes said in a statement.

Utah Gov. Gary Herbert expressed disappointment with the EPA's initial handling of the spill, but said the state has no plans for legal action. New Mexico Gov. Susana Martinez, however, said she would not take anything off the table and that the EPA should be held to the same standards as industry.

"Right now we have people preparing for a lawsuit if that is what we need to do," she said Tuesday.

Colorado Gov. John Hickenlooper, himself a former geologist, visited a contaminated stretch of river Tuesday and said he hopes a "silver lining" to the disaster will be a more aggressive state and federal effort to deal with mining's "legacy of pollution" across the West.

The EPA has said the current flows too fast for the contaminants to pose an immediate health threat, and that the heavy metals will likely be diluted over time so that they don't pose a longer-term threat, either.

Still, as a precautionary measure, the agency said stretches of the rivers would be closed for drinking water, recreation and other uses at least through Aug. 17.

Dissolved iron is what turned the waste plume an alarming orange-yellow, a color familiar to old-time miners who call it "yellow boy."

"The water appears worse aesthetically than it actually is, in terms of health," said Ron Cohen, a civil and environmental engineering professor at the Colorado School of Mines.

Tests show some of the metals have settled to the bottom and would dissolve only if conditions became acidic, which Cohen said isn't likely. He advises leaving the metals where they settle, and counting on next spring's mountain snowmelt to dilute them more and flush them downstream.

No die-off of wildlife along the river has been detected. Federal officials say all but one of a test batch of fingerling trout deliberately exposed to the water survived over the weekend.

As a precaution, state and federal officials ordered public water systems to turn off intake valves as the plume passes. Boaters and fishing groups have been told to avoid affected stretches of the Animas and San Juan rivers, which are usually crowded with rafters and anglers in a normal summer.

Farmers also have been forced to stop irrigating, endangering their crops, and recreational businesses report losing thousands of dollars.

"We had lots of trips booked. Right now we're just canceling by the day," said Drew Beezley, co-owner of 4 Corners Whitewater in Durango, Colorado. He said his dozen employees are out of work, and he's lost about \$10,000 in business since the spill.

"We don't really know what the future holds yet," said Beezley. "We don't know if the rest of this season is just scrapped."

## **Bustle**

<http://www.bustle.com/articles/103558-photos-of-the-animas-river-spill-show-a-dangerously-toxic-orange-body-of-water-photos>

### **Photos Of The Animas River Spill Show A Dangerously Toxic Orange Body Of Water — PHOTOS**

Greta Jochem

August 11, 6PM

The Animas river in Colorado is channeling its inner Donald Trump today ... as in, it's dyed orange.

According to ABC News, three million gallons of toxic waste water was accidentally released into the river by a group of EPA workers. The spill occurred on August 5 in Silverton, Colorado — an area in the southwestern part of the state — and photos show a devastating sight. "Everybody in town knew it was coming. It was hard to wake up in the morning and see an orange river," Tom Bartles of Durango, Colorado told CNN.

The orange color is more than just eye-catching — it's potentially dangerous. According to CNN, officials said that the spill carries pollutants like iron, zinc, and copper. For example, on Thursday, the EPA found that the river's arsenic concentration was 26 times higher than what they consider a safe amount. Lead levels are reportedly 12,000 times higher than the recommended limit.

How did this happen? Colorado Public Radio explains that the EPA was trying to clean

waste from an old mine by building a drain pipe. Their plan backfired when they dug into the dam holding back the water and found that it was made of soil instead of rock. The water then flowed out, contaminating the river. The EPA's director of emergency preparedness in the region, Dave Ostrander, said, "We typically respond to emergencies, we don't cause them. But this is just something that happens when we're dealing with mines sometimes."

Here's a sad look at what the Animas River looks like right now.

### **USA Today**

<http://www.usatoday.com/story/news/2015/08/11/epa-targeted-lawsuits-wake-toxic-spill-river-colorado/31489461/>

#### **EPA targeted for lawsuits in wake of toxic spill in river in Colorado**

Rick Jervis

August 11, 7:15PM

Victims of the contamination of the Animas River in Colorado could take the Environmental Protection Agency to court to seek damages, but it could be a long, tough legal battle that may not pay off at the end, according to environmental law experts.

The spill of an estimated 3 million gallons of toxic wastewater into the river by a team of EPA contractors has infuriated residents and local officials who live along the winding 126-mile-long waterway and spurred some to threaten lawsuits. The head of the Navajo Nation, Russell Begaye, downriver from the spill, directed his legal team to file a lawsuit against the EPA.

Unlike the U.S. president, the EPA is not immune to lawsuits, said Kevin Mayer, a Washington-based environmental lawyer. Typically, individuals or local governments sue the EPA over the rules it sets for environmental protection, he said. In this case, it could be sued for something it actually did, Mayer said.

“The question is: Did the EPA act negligently?” he said. “Did it do something or fail to do something that a prudent person would have done in this circumstance?”

Lawsuits against the EPA are not uncommon. Texas has sued the EPA 21 times since President Obama took office in 2009, but has only won six of those cases, according to an analysis by the Texas Tribune. More than a dozen coal-reliant states have also filed recent lawsuits against the EPA in an effort to block proposed rules designed to cut greenhouse gases.

The Colorado case, however, has a more direct link to the federal agency. The spill occurred Friday when an EPA team disturbed a dam of loose rock lodged in the mine, sending a plume of mustard-colored water rushing out of the Gold King Mine and south through Colorado and into New Mexico.

An EPA spokesman said the agency wouldn't comment about pending lawsuits. The agency has set up a claims process to compensate residents affected by the spill.

Colorado Gov. John Hickenlooper on Tuesday toured the impacted areas of the river and said much of the wastewater had been plugged up, but urged the EPA to speed up work to identify the most dangerous areas and clean them up.

Officials with the New Mexico Environment Department said they're focused on testing the water for pollutants rather than pointing fingers. “Until we can advise New Mexicans that our water and the Animas River is safe once again, we continue focusing on fixing the problem, not the blame game,” department spokeswoman Allison Majure said in a statement. “Ultimately, we will ensure that New Mexico is fairly compensated for the activities associated with EPA's Gold King Mine spill.”

Some state officials in the impacted areas have criticized the EPA for waiting 24 hours before notifying state agencies of the spill, an issue that could bode well for plaintiffs in court, Mayer said.



But exemptions written into some U.S. environmental laws, such as the Clean Water Act and the Oil Pollution Act, protect the EPA and other federal agencies from liability during hazardous waste spills, said Bob Irvin, an environmental attorney and president of American Rivers, a national non-profit river conservation group.

Federal lawyers could also tie up lawsuits for years, much the way lawsuits against the federal government after the levees failed in the wake of Hurricane Katrina in 2005 were stalled, he said. Two years ago, a U.S. district judge dismissed the bulk of the Katrina lawsuits.

"These things take forever," Irvin said. "You're probably a lot better off getting your claim resolved through the claims process the EPA has established,"

**From:** Ludwigsen, Emily  
**Sent:** Wednesday, August 12, 2015 10:16 AM  
**Subject:** RE: CO Mine Spill Clips - 8/12

**Al Jazeera America**

<http://america.aljazeera.com/articles/2015/8/12/toxic-spill-leaves-navajo-farmers-in-murky-water.html>

**Navajo Nation declares state of emergency over 'tragic' spill**  
Tristan Ahtone  
August 12, 5AM

NAVAJO NATION — Farmers and ranchers on the Navajo Nation are preparing to take heavy losses this season as a plume of wastewater laced with toxic chemicals flows south from an abandoned mine in Colorado.

Last week, the Environmental Protection Agency spilled around three-million gallons of contaminated water into the Animas River. According to the EPA, the incident occurred when a crew hired to pump and treat wastewater inside the abandoned Gold King Mine outside of Durango, Colorado, accidentally released a brew of arsenic, cadmium, lead and other heavy metals from a mine tunnel.

As a precautionary measure, the Navajo Nation has asked citizens to keep livestock away from the San Juan River and stop diverting water from the river for crops. That means farmers like Lorenzo Bates are beginning to plan for the worst.

"What is in the water? To what extent are those heavy metals?" said Bates, speaker of the Navajo Nation Council and farmer from Upper Fruitland, New Mexico.

Without access to water from the San Juan, Bates' alfalfa field can no longer be watered, and he has to give his horses and cattle water from a municipal line, which means his cows are getting skinny.

"Each day that they're in this pen, even though we've got water, they're still losing weight," said Bates. "It's costing me."

Earlier this week, the Navajo Nation announced it was planning lawsuits against the EPA and owners of the Gold King Mine. And the City of Durango and La Plata County in Colorado, where the spill originated, have declared states of emergency with New Mexico and the Navajo Nation following suit.

"This is a tragic and unfortunate incident, and the EPA is taking responsibility to ensure that it is cleaned up," said EPA administrator Gina McCarthy in a statement earlier today. "The most important thing throughout this is ensuring the health and safety of the residents and visitors near the river. We are committed to helping the people throughout the Four Corners Regions who rely on these rivers for their drinking water, irrigation water and recreation."

In Farmington, New Mexico, officials are encouraging residents to bring water samples from home to be tested. Ryan Flynn is secretary of the New Mexico Environment Department. He says so far it doesn't look like the spill has affected local drinking wells.

"Short term I think we're going to just focus on the chemistry in the river and how that's interacting with the contaminants, how the river is influencing groundwater, and that will give us enough to really get people using water again or knowing when it will be safe to do so by treating it," said Flynn. "Long term, it's too early to tell."

Meanwhile, the Gold King Mine continues to leach contaminants into the Animas River, which means Navajo farmers downstream like Bates are stuck waiting on guidance from officials on whether the water is safe to use or not.

"There are farmers all the way down this valley that are impacted," said Bates.

#### **Associated Press (via Las Vegas Sun)**

<http://lasvegassun.com/news/2015/aug/12/fearing-stigma-colorado-contested-superfund-status/>

#### **Fearing stigma, Colorado contested Superfund status for mine**

Ivan Moreno and Ellen Knickmeyer

August 12, 2AM

DENVER —

The U.S. Environmental Protection Agency took full responsibility Tuesday for the mine waste spoiling rivers downstream from Silverton, Colo., but people who live near the idled and leaking Gold King mine say local authorities and mining companies spent decades spurning federal cleanup help.

They feared the stigma of a Superfund label, which delivers federal money up-front for

extensive cleanups. They worried that corporations would kill a hoped-for revival in the area's mining industry rather than get stuck with cleanup costs. And some haven't trusted the federal government, townspeople say.

The EPA pushed anyway, for nearly 25 years, to apply its Superfund program to the Gold King mine, which has been leaching a smaller stream of arsenic, lead and other wildlife-killing heavy metals into Cement Creek. That water runs into the Animas and San Juan rivers before reaching Lake Powell and the lower Colorado River, a basin serving five states, including Nevada, Mexico and several sovereign Native American nations.

As millions of gallons of spilled sludge spread hundreds of miles downstream Tuesday, officials from the century-old mining towns of southwest Colorado defended their opposition to federal help.

Mining companies don't like to invest in Superfund sites because they're heavily scrutinized and more costly to develop, said Ernest Kuhlman, a San Juan County commissioner and Silverton's former mayor.

Also, the stigma could have scared away rafters and anglers who helped bring \$19 billion in tourism money to Colorado last year.

"How many people want to go to a Superfund site for tourism or recreation?" Kuhlman asked.

Now they've got a bigger problem: Last Wednesday, a small EPA-supervised work crew inspecting the Gold King mine accidentally knocked a hole in a waste pit, releasing at least three million gallons of acidic liquid laden with toxic heavy metals. Dissolved iron in the waste plume — familiar to miners as "yellow boy" — turned the area's scenic waterways a shocking orange hue.

The EPA ordered stretches of the rivers closed for drinking water, recreation and other uses at least through Monday. Colorado and New Mexico made disaster declarations. The

Navajo Nation declared an emergency, saying that at least 16,000 of its people, 30,000 acres of crops and thousands of livestock survive on water that's now off-limits.

In Washington, EPA administrator Gina McCarthy took full responsibility, saying "I am absolutely, deeply sorry that this ever happened." She planned to tour Farmington and Durango, two of the cities most affected by the orange sludge.

Since 1980, Superfund designation has helped remove or contain hazardous waste posing immediate dangers to human health. New York's Love Canal, where hundreds of families had to be evacuated from homes built over a former chemical dump, spurred its creation, and many still associate that scandal with the program.

Asked if Superfund designation could have helped to prevent this accident, regional EPA administrator Shaun McGrath indicated it could have.

"Being listed under a national-priorities list ... makes available to a cleanup effort resources under the Superfund, which are significant resources," McGrath said. "And it does allow for potentially more extensive cleanup."

Fears that a Superfund site nearby will sink property values and chase away investment are common in America; numerous studies have explored this topic.

But "normally, people want it to be cleaned, so if that's the best way of moving through it, generally communities want" Superfund designation, said Katherine Kiel, who teaches at the College of the Holy Cross in Worcester, Mass.

As many as 500,000 mines have been abandoned in the U.S., legacies of the booms and busts that follow swings in metals prices, according to the U.S. Bureau of Land Management. Many date to the late 1800s, and have been exposed to the elements for many years, their tunnels filling with snowmelt and rain that leaches underground.

Bill Simon, a coordinator for the Animas River Stakeholders Group, said cleanup negotiations have focused on 33 of the most contaminated mines and 34 mine waste sites, out of an estimated 3,000 in the Animas river basin, but work has been stalled by questions about who will ultimately pay for it.

The biggest Superfund proponents, he said Tuesday, are from downstream communities that fear pollution from mines will harm their economy and want federal help to clean it up as quickly and effectively as possible.

On the other side are people in Silverton who fear reduced property values and a loss of local control to a federal bureaucracy, Simon said, and they're backed by some of the world's biggest mining interests.

In 2011, Canada's Kinross Corporation, which owns the area's Sunnyside mine, offered \$6.5 million to help clean mining waste from the upper Animas River, while vowing to "vigorously contest" any effort to make Sunnyside liable for Superfund-related cleanup costs.

Sunnyside has yet to spend the money, but continues to support a "collaborative approach" among various parties, Sunnyside reclamation director Kevin Roach said in an email Tuesday.

Mark Esper, editor of the Silverton Standard & the Miner's newspaper, hopes the spill will soften suspicions of federal involvement.

"One of the biggest concerns you hear about Superfund is, 'Oh, the bad publicity we get,'" Esper said. "Well, it can't get much worse than this right now, frankly."

### **Denver Post**

[http://www.denverpost.com/dnc/ci\\_28624900/willoughby-animas-spill-may-lead-more-attention-mining](http://www.denverpost.com/dnc/ci_28624900/willoughby-animas-spill-may-lead-more-attention-mining)

## **Willoughby: Animas spill may lead to more attention on mining**

Scott Willoughby

August 11, 9:44PM

There is good news — believe it or not — bad news and, most significant, revealing news seeping out along with the acidic heavy metals flooding into the Animas River basin this week.

The bad news, as most are by now aware, comes in the form of the sludgy orange cocktail of arsenic, lead, copper, cadmium and other heavy metals that poured into Cement Creek and the Animas on Thursday after an EPA crew accidentally triggered a blowout of the Gold King Mine near Silverton. An estimated 3 million gallons of mine wastewater flooded into the river and took the water well beyond the state water quality levels for several heavy metals, especially lead, which measured at an astounding 5,720 parts per billion (ppb) shortly after the spill. The acceptable threshold for the state's domestic water quality standard is 50 ppb.

Comparably elevated levels of cadmium, arsenic, iron, copper and manganese were recorded at a location 15 miles north of Durango a day after the Gold King blowout, although the levels of acidity had been severely lowered and contamination is expected to be further diluted over time.

And so begins the upbeat element of the report out of southwest Colorado.

Better still is that the initial impacts to fish swimming in the Animas near Durango do not yet appear to be severely detrimental. Only one of 108 caged fish placed in the river by Colorado Parks and Wildlife officials died during the first 24 hours in the mustard-yellow water. Monitoring of macro-invertebrates in the river has been similarly positive, although that could clearly change as sediment settles on the riverbed.

Colorado Parks and Wildlife broadcast video Tuesday of fingerling rainbow trout introduced in the Animas River just before the big plume of contaminated water hit Thursday. Five days after the spill, the fish "appear to be in pretty good shape," a CPW biologist said. The fish will now be submitted for analysis of heavy metal accumulation as on-site teams assess impacts of heavy metals on the river over the next several weeks if not months.

Although the long-term repercussions remain to be determined, the greater impact may prove to be that of perceptions.

Local fly-fishing shops already have reported being inundated with phone calls from people considering canceling their fishing trips to Durango, unaware of multiple other available fishing options in the region.

This is far from the first time heavy metals have spilled into the Animas River. Despite its Gold Medal trout fishing designation in the heart of Durango, the fishery has suffered for decades due to mine seepage, and annual stocking is necessary to sustain fish populations.

The Gold King disaster merely serves as the most recent and most dramatic blow. And perhaps, brought to light, the revealed reality of a mining industry that so often fails to take responsibility for enduring pollution problems near Silverton and across Colorado may ultimately come to something good.

The perception had been that everything was fine along the Animas, until it turned orange. Maybe this mustard-stained revelation can lead to some genuine action toward a long-term remedy for a long-standing issue. That's the kind of news we all could use.

### **Dispatch Times**

<http://www.dispatchtimes.com/colorado-governor-goes-to-see-mine-spill-impact/42857/>

### **Colorado governor goes to see mine spill impact**



Newsmedia  
August 12

Environmental Protection Agency Administrator Gina McCarthy speaks at a Resources for the Future policy leadership forum, Tuesday, August 11, 2015, in Washington.

“For nearly a week, a torrent of toxic sludge – the color of hot mustard and rife with poisonous metals – has been flowing through Colorado, Utah and New Mexico”.

EPA officials said the shockingly bright plume has already dissipated and that the leading edge of the contamination can not be seen in the downstream stretches of the San Juan River or Lake Powell. Officials acknowledged that the spill was triggered while an EPA-supervised crew was working near Silverton, Colorado, in the southwest part of the state.

McCarthy also mentioned that she expected there to be lawsuits against the EPA, and Begaye said in a news release Sunday that he planned to take legal action against the agency.

The former geologist says that if there’s a “silver lining” to the disaster, it will be a new relationship between the state and the EPA to solve the problem. While the Phoenix area uses Colorado River water, officials believe there is little to worry about.

Filfred said Tuesday in Utah that he doesn’t know how long the reservation could truck in water and that farmers depend on the San Juan River to irrigate about 30,000 acres of crops.

Thomson Reuters Yellow waste water that had been held behind a barrier near an abandoned mine in the Animas River in Durango, Colorado.

Filfred said the tribe is frustrated by a lack of information from the federal government about whether the pollutants are harmful to humans and livestock.

Dissolved iron in the waste turned the long plume an alarming orange-yellow a look familiar to old-time miners who call it “yellow boy” so “the water appears worse aesthetically than it actually is, in terms of health”, said Ron Cohen, a civil and environmental engineering professor at the Colorado School of Mines.

McCarthy and state and federal EPA officials have been under intense pressure and harsh criticism since last week’s spill, caused by EPA contractors inspecting the Gold King Mine, which was abandoned in the 1920s.

New Mexico Gov. Susana Martinez, however, said she would not take anything off the table and that the EPA should be held to the same standards as industry.

“Our commitment is to get this right and make sure we are protecting public health”. The team inadvertently released an estimated 3 million gallons of water laden with heavy metals and contaminants into a creek that flows into a river above Durango, Colo. Boaters and fishing groups have been told to avoid affected stretches of the Animas and San Juan rivers, which are usually crowded with rafters and anglers in a normal summer. It took about 24 hours to first notify some downstream communities of the accident and the agency originally underestimated the volume of the spill.

Heavy metals from Gold King and other defunct mines in Colorado have been leaching out and killing fish and other species for decades as rain and snowmelt spills from mining operations left abandoned and exposed.

The best course for the EPA would be to leave the metals where they settle, he said, noting that next spring’s mountain snowmelt would help dilute the contaminants further and flush them downstream.

Stretches of the Animas River and the San Juan River it flows into have also been declared disaster areas in New Mexico.

## **The Hill**

<http://thehill.com/policy/energy-environment/250915-colorado-rivers-pollution-levels-fall-after-spill>

### **Colorado river's pollution levels fall after spill**

Timothy Cama

August 12, 9:45AM

Colorado state officials said pollution appears to have cleared from the Animas River after the Environmental Protection Agency (EPA) caused a massive mine waste spill.

Gov. John Hickenlooper (D) and Larry Wolk, executive director of the Colorado Department of Public Health and Environment, said Tuesday that their latest sampling show that the river is back to the pollution levels it had before the spill of 3 million gallons of heavy metals last week, the Durango Herald reported.

"Isn't that amazing? That's much better than what I would have hoped for," Hickenlooper said in Durango, according to the Herald.

"The indications are that the threat to the human health is returning back to pre-event levels, if not already there now," he continued.

Wolk said his agency does not believe there is any risk to human health.

The test results mean that officials could potentially reopen the river to recreation, fishing and drinking water intakes before the Aug. 17 target that was initially planned.

The EPA, meanwhile, said it was encouraged by the new findings, but wanted to verify the results itself before giving its blessing.

The spill caused the river to turn bright orange, as well as shining a spotlight of attention and embarrassment on the EPA.

EPA Administrator Gina McCarthy was due Wednesday to visit Durango and Farmington, N.M., which is downstream.

She and other officials have repeatedly apologized for the spill, which was caused accidentally when EPA contractors moved soil that was holding back a tailings pond from the gold mine that was abandoned decades ago.

### **Reuters**

<http://www.reuters.com/article/2015/08/12/usa-colorado-spill-idUSL1N10N02Y20150812>

### **UPDATE 2-Restrictions to remain for rivers hardest hit by Colorado mine waste spill**

Steve Gorman

August 11, 10PM

Aug 11 (Reuters) - Two rivers in Colorado and New Mexico hit hardest by toxic waste spilled from a defunct gold mine will remain closed to drinking water and irrigation intakes for at least another week, but test samples show a gradual ebbing of contamination, environmental officials said on Tuesday.

The San Juan River and its northern tributary, the Animas River, have been fouled by the release of more than 3 million gallons (11.3 million liters) of acid mine drainage inadvertently triggered by a team of Environmental Protection Agency workers last Wednesday.

The discharge has continued to flow at the rate of about 500 gallons (1,900 liters) a minute from the site of the century-old Gold King Mine, near the town of Silverton in southwestern Colorado, into a stream below called Cement Creek.

From there, the wastewater has washed into the Animas River and into the San Juan River in northwestern New Mexico.

Some residents who live downstream from the mine and draw their drinking supplies from private wells have reported water discoloration, but there has been no immediate evidence of harm to humans, livestock or wildlife, according to EPA officials.

Still, residents were advised to avoid drinking or bathing in well water, and the government was supplying water where needed. Two Colorado municipalities, including Durango, and the New Mexico towns of Aztec and Farmington have shut off their river intakes.

The bright orange contamination plume, containing heavy metals such as arsenic, mercury and lead, has dissipated through dilution as the discharge spreads downstream, with its leading edge no longer visible from aerial surveys, the EPA said "As it moves on, we are seeing a downward trajectory toward pre-event conditions," EPA chief Gina McCarthy said at a clean-energy event in Washington.

The Animas River in Durango, about 50 miles (80 km) south of the spill, had turned from orange to bright lime green by Sunday, and was a darker shade of blue-green by Tuesday, a sign that pollutants were gradually clearing, at least near the surface, said Sinjin Eberle, a spokesman for the conservation group American Rivers.

But experts said a long-term concern was the deposit of heavy metals from the spill that had settled into river sediments, where they can be churned up and unleash a new wave of pollution when storms hit or rivers run at flood stage.

## POSSIBLE LEGAL ACTION AGAINST EPA

EPA officials said the Animas and San Juan rivers would remain closed until at least next Monday to such uses as drinking, irrigation, fishing and recreation as experts try to gauge safety risks posed by the spill.

Wastewater still escaping from the mine site was being diverted into hastily built settling ponds where the effluent is treated before it empties into Cement Creek, sharply reducing its acidity and metal levels, the EPA said.

Water samples taken from the upper Animas as the main plume of contamination arrived days ago showed concentrations of copper, zinc and cadmium as high as 100 times levels considered safe for fish and aquatic insects, said William Clements, an eco-toxicologist at Colorado State University who reviewed preliminary EPA data.

He said the peak cadmium levels were roughly 10 times higher than what would be regarded as safe for humans, while arsenic - especially toxic to people - spiked at 1,000 parts per billion, he said. That is 100 times the maximum contaminant level for arsenic set by the EPA for drinking water.

Clements said the readings offered just a snapshot of contamination in a place relatively close to the spill's origin at a point when the effect was most pronounced. "They really do fluctuate quite a bit with time," he said.

New Mexico Governor Susana Martinez and Colorado Governor John Hickenlooper both declared states of emergency on Monday, freeing up additional money for disaster response. Martinez also said she was directing her administration to "be prepared to take legal action against the EPA."

Hickenlooper visited a trout hatchery on Tuesday near Durango, where wildlife officials had caged more than 100 juvenile fish at several locations along the Animas to monitor

their health. Only one had died so far, officials said.

Utah State University ecologist Charles Hawkins said the health effects on fish could take weeks or months to become lethal, or might translate into reproductive damage. "It would have to be incredibly toxic to kill them immediately," he said.

The Navajo Nation has also been affected. Tribal communities along the San Juan, which crosses the sprawling reservation through southeastern Utah before flowing to Lake Powell, rely on the river for fishing, irrigation and watering of livestock.

"We intend to make sure the Navajo Nation recovers every dollar it spends cleaning up this mess and every dollar it loses as a result of injuries to our precious Navajo natural resources," tribal President Russell Begaye said.

**From:** Ludwigsen, Emily  
**Sent:** Wednesday, August 12, 2015 9:49 AM  
**Subject:** CO Mine Spill Clips - 8/12

**Associated Press (via Kristv)**

<http://www.kristv.com/story/29767627/toxic-spill-in-colorado-river-cleared-up-long-term-impact-uncertain>

**Toxic spill in Colorado River cleared up, long-term impact uncertain**

Knickmeyer  
August 12, 8:15AM

ALBUQUERQUE, N.M. (AP) - Russell Begaye stared into a hole in the side of a Colorado mountain, watching as yellow water contaminated with heavy metals poured out and raced down a slope toward a creek that feeds rivers critical to survival on the nation's largest Native American reservation and in other parts of the Southwest.

At the Gold King Mine, Begaye, president of the Navajo Nation, couldn't help but see the concerned faces of his people - the farmers who no longer had water for corn crops and the ranchers who had to scramble to get their cattle, sheep and goats away from the polluted San Juan River.

"We were told that the water was clearing up and getting back to normal," he said. "This is what EPA was telling us. We wanted to go up there as close as we could to the source. We wanted our people to see the water is still yellow."

Begaye and a small contingent of Navajo officials worked their way unannounced past barriers and up the mountain over the weekend to get a closer look at the mine blowout that federal officials said sent more than 3 million gallons of water laden with lead, arsenic and other metals down the Animas River and into the San Juan River.

The 100-mile plume has since traveled through parts of Colorado, New Mexico and Utah on the way to Lake Powell, a key source of water for the Southwest.

All along the way, signs are posted warning people to stay out of the water. Farmers have stopped irrigating and communities have closed water intake systems. Bottled water on the Navajo Nation is becoming scarce.

Begaye said his tribe is bearing the brunt of the massive spill that was accidentally unleashed by EPA workers inspecting the long-idled Gold King mine near Silverton, Colorado, on Aug. 5. Two-thirds of the San Juan River crosses Navajo land before reaching Lake Powell.

"This is a huge issue," Begaye said. "This river, the San Juan, is our lifeline, not only in a spiritual sense but also it's an economic base that sustains the people that live along the river."



"When EPA is saying to me it's going to take decades to clean this up, that is how long uncertainty will exist as we drink the water, as we farm the land, as we put our livestock out there near the river," he said. "That is just, to me, a disaster of a huge proportion."

Frustration is mounting throughout the Four Corners region among officials and residents who say the EPA has moved too slowly and hasn't been forthcoming about the dangers of the spill. The Navajo Nation feels even more slighted given its status as a federally recognized tribe and sovereign nation.

Begaye said he has yet to receive a call from President Barack Obama. "It seems like the Obama administration just closed their doors and disappeared," he said.

On Wednesday, EPA Administrator Gina McCarthy planned to tour sites in New Mexico and Colorado affected by the spill. She called it a tragic and unfortunate incident, saying the EPA was taking responsibility to ensure the mess was cleaned up.

"I am absolutely, deeply sorry that this ever happened," she said Tuesday in Washington.

The EPA has said the current flows are too fast for the contaminants to pose an immediate health threat, and that the heavy metals will likely be diluted over time so they don't pose a longer-term threat, either.

Tests show some of the metals have settled to the bottom of the rivers and would dissolve only if conditions became acidic, which experts say isn't likely.

Fish testing was going on Tuesday in the Animas River near Durango, Colorado, with biologists working to determine the leak's impact on fish.

"We didn't have a big fish kill in the river," said Jim White, an aquatic biologist with Colorado Parks and Wildlife. "The one thing we don't know is sort of long term impacts to

the aquatic community out here in general."

Colorado Gov. John Hickenlooper visited a contaminated stretch of the Animas and said he hopes a "silver lining" to the disaster will be a more aggressive state and federal effort to deal with mining's "legacy of pollution" across the West.

On the Navajo Nation, some 30,000 acres of crops are in danger without irrigation. Farmers also worry about contaminating their irrigation ditches once the gates are reopened, and ranchers are looking for assurances that livestock won't be exposed to contaminants each time they wade into the river and kick up sediment while getting a drink.

Navajo farmers are in the middle of alfalfa season and without rain, tribal officials say they will be in trouble. They have been flooding the airwaves and social media with Navajo-language public service announcements to keep people updated.

Federal officials have said they are working to review and analyze data gathered from samples taken along the two rivers.

McCarthy said Tuesday that initial results show high levels of contaminants in the water have been diminishing as the plume moves downstream. Workers have built four ponds at the mine site to capture and treat additional discharges, she said.

Heavy metals from Gold King and other defunct mines in Colorado have been leaching out and killing fish and other species for decades as rain and snowmelt spills from abandoned, exposed sites.

The EPA has considered making part of the Animas River in Colorado a Superfund site for a quarter-century.

The designation would have provided more resources for a cleanup, but some people in Colorado opposed the status, fearing the stigma and federal strings attached, so the EPA agreed to allow local officials to lead cleanup efforts instead.

## **CBS**

<http://www.cbsnews.com/news/colorado-river-mine-spill-site-inspected-epa-administrator-other-officials/>

### **U.S., state officials to visit tainted Colorado river**

CBS News

August 12, 6:54 AM

Several officials will be visiting Colorado and New Mexico Wednesday to inspect the damage from the Gold King Mine spill.

The head of the EPA, Gina McCarthy, as well as attorneys general from Colorado, New Mexico and Utah all plan to personally inspect the river, reports CBS News correspondent Mireya Villarreal.

EPA takes blame for Colorado mine waste spill

Colorado Governor John Hickenlooper visited a contaminated stretch of the Animas River Tuesday and admitted that, while he's disappointed with the EPA, he's focused on the cleanup.

"Everyone's angry. I was angry. That said, our primary role right now is, that's behind us, and how are we going to move forward?" Hickenlooper said.

Even though the water looks normal now, over the past week, a plume of pollution with metals including arsenic and lead has marched at least 100 miles downstream.

In Washington D.C. Tuesday, EPA administrator McCarthy apologized for the spill.

"It pains me to no end see this happening, but we're working tirelessly to respond and have

committed to a full review of exactly what happened," she said.

Preliminary tests show the water quality is returning to where it was in Durango, Colorado, before the accident. Still, the river will need to be monitored for years to come.

The spill is affecting people like Charlie Noone, who makes a living off the waters.

"We've had some cancellations, for sure. It's been tough, because a lot of people do come to Durango to fish the Animas," the fishing guide said. "It's a beautiful river. Not right now, but usually, it's really beautiful."

With businesses and families waiting for the all-clear, Hickenlooper said he hopes the county sheriff will be able to reopen the river as soon it's safe.

"I want to have that information in his hands the moment we have it -- in minutes, not in hours, not in days. The moment we have it," he said.

Hickenlooper said this spill should serve as a turning point for the EPA and how it handles mine-cleanups.

In Colorado alone, there are an estimated 23,000 abandoned mines.

### **LA Times**

<http://www.latimes.com/nation/la-na-colorado-river-spill-20150811-story.html>

### **States downstream from contaminated river upset that EPA didn't alert them**

John M. Glionna and Matt Pearce

August 11, 7:13 PM

As the Environmental Protection Agency continued to monitor 3 million gallons of mine waste released into Colorado's Animas River, residents in two states downstream decried the federal agency Tuesday, saying it failed to alert them to mustard-colored sludge headed their way.

Officials for New Mexico's San Juan County Office of Emergency Management said they learned of the oncoming rush of wastewater laden with lead, arsenic and other heavy metals not from the EPA, but in a newspaper in nearby Durango, Colo.

In Page, Ariz., Mayor Bill Diak said that when he contacted EPA officials to attend an emergency community meeting Monday, the agency said no one was available. Agency officials responded only after Diak called his congresswoman in Washington, he said.

"We told her, 'Hey, this really is a concern to us and the EPA doesn't have time to talk to us,'" Diak said. "They dropped the ball — using the media to get the word out."

On Tuesday, EPA Administrator Gina McCarthy said her agency took full responsibility for the spill caused by federal and contract workers cleaning up the defunct Gold King Mine above the town of Silverton, Colo. McCarthy, who planned to visit affected areas Wednesday, said the spill "pains me to no end. I am absolutely, deeply sorry this ever happened."

By late Tuesday, the leading edge of the spill was eight miles west of Farmington, N.M., more than 100 miles from the disaster site. Parts of the Animas and San Juan rivers have been declared disaster areas, as governors from Colorado and New Mexico conducted visits to communities that have shut off outtake valves from the polluted waterways.

In a news conference held at an agency command center in Durango, EPA officials said workers were treating the 500 to 700 gallons of tainted water still leaking from the Gold King Mine.

Though the EPA said stretches of the Animas south of the spill were clearing, residents

described orange-colored silt on the river bottom and shoreline in many places. The agency will continue to monitor the silt “for years to come,” EPA officials said, noting that sediment would be stirred up by rainfall or spring runoff.

The plume was expected to reach Lake Powell this week, but the pollutants were not expected to threaten the lake or Colorado River-fed drinking water for Western states including California.

Justyn Liff, a Colorado spokeswoman for the U.S. Bureau of Reclamation, said the 3-million-gallon spill was about the size of 4 1/2 Olympic-sized pools. Lake Powell, she said, contained 4.2 trillion gallons of water, comparable to 6.4 million Olympic-sized pools.

Mic Stewart, director of water quality for the Metropolitan Water District of Southern California, agreed that the contamination would take years to hit the region, if ever.

“The event [happened] about 850 miles upstream of us, so we have a couple factors in our favor,” he said. “It’s a long distance away.”

In Colorado, the state parks and wildlife department continued to monitor fish placed in the Animas River near Durango to gauge health effects of the sludge. The agency placed scores of rainbow trout fingerlings from a local hatchery into the river at three locations.

“So far, they’re surviving,” said spokesman Matt Robbins. “As for the wildlife that might be drinking this water, we don’t know.”

Communities that rely on the Animas and the San Juan for water say the spill has upset their way of life.

Michele Truby-Tillen, a spokeswoman for the San Juan County Office of Emergency Management in New Mexico, said people who drew their water directly from the Animas River had been coming into nearby Farmington to take showers. Officials have blocked farmers from irrigating crops with river water and have ordered thousands of well owners to

have their water tested.

“People ask, ‘Is this going to affect our health and welfare for the next 10 years?’ All we say is to take this one day at a time. The long term will have to wait,” she said.

She criticized the EPA for not giving residents warning that the flood of polluted water was coming their way. “If they had done that, farmers and well-users could have drawn out as much clean water as they could before this set upon us,” she said. “But that didn’t happen.”

The attorneys general of New Mexico, Colorado and Utah plan to visit the spill site on Wednesday and discuss potential “legal remedies,” according to the New Mexico attorney general's office.

“I’m not taking anything off of the table. Right now we have people preparing for a lawsuit, if that is what we need to do,” Republican New Mexico Gov. Susana Martinez said in a Tuesday appearance on Fox News.

Colorado Gov. John Hickenlooper, a Democrat, also criticized the EPA in a televised news conference in Durango, albeit with a softer tone.

“When we have an incident like this, it is, in every sense, unacceptable,” he said. But Hickenlooper, while promising accountability, declined to condemn the agency, saying the EPA’s intentions — to treat the wastewater in the mine — were good.

Jared Blumenfeld, an EPA spokesman in San Francisco, said the agency was investigating why it took 24 hours for officials to notify governors in affected states of the spill.

“There are 300 miles of river between the incident and Lake Powell. On fast-moving issues we focus on the most affected areas first,” he said. “But today we are coordinating better than we did at first.”

In Page in northern Arizona, residents wait with a sense of dread for the oncoming pollution.

On Monday, Mayor Diak held an unusual meeting attended by 150 residents, many of whom questioned EPA officials who phoned into the event.

“People were concerned over their drinking water,” Diak said of the town of 9,000 residents. “The doomsday people were predicting the price of water to rise.”

But Diak hoped Lake Powell would hold its own.

“Remember, this is a big lake with 1,900 miles of coastline, more than the entire West Coast of the U.S.,” he said. “Bottom line, this is like adding one drop of water with red dye into a pool of 15,000 gallons. So just try and find the red dye.”

### **NBC**

<http://www.nbcnews.com/news/us-news/week-after-toxic-river-spill-impact-west-remains-unclear-n407896>

### **A Week After Toxic River Spill in Colorado, Environmental Impact Remains Unclear**

Jon Schuppe

August 11, 6:35PM

Last Wednesday, Environmental Protection Agency workers cleaning up a defunct gold mine in southwestern Colorado mistakenly unleashed a torrent of toxic wastewater, sending the chemical-laden plume into the Animas River, turning it bright yellow and forcing officials to close it off.

About three millions gallons of the polluted sludge churned into the river, moving downstream to the town of Durango, on to New Mexico and toward Lake Powell in Utah,



raising all sorts of questions about the immediate and long-term impact on the drinking water, wildlife and the local economy.

This is what is known so far:

What was in the toxic wastewater?

The plume contained concentrated levels of heavy metals, including lead, iron, zinc and manganese, as well as arsenic. It was the iron that turned the river the color of mustard.

How polluted is the river now?

State and federal officials say that the spike of toxins lasted about eight hours. Since then, the EPA has built four collection ponds at the mine site, where it is treating the water in order to reduce acidity levels and remove dissolved metals. Officials say the pollutants have now dissipated to the point that the river near the spill point is returning to normal water-quality levels — and is regaining its greenish-blue hue. But the contaminants will eventually settle in the river bed, and could be kicked back up during rainstorms.

How long will the pollution stick around?

Jeff Curtis, a University of British Columbia scientist and water quality expert, said he expected two waves of toxins to move downstream from the spill. The first wave comprises water-soluble pollutants, including arsenic and cadmium, freely flowing with the river's current. The second wave of less soluble materials, including lead, will settle in river basin sediment and be churned up by later rainstorms.

That means that the full impact of the spill will take years, perhaps decades to unfold, as the toxins continue to move through the ecosystem. Fish will bear the brunt of the contamination, poisons slowly accumulating in their bodies.

The effect on humans will take much longer to measure, Curtis said.

What's been the impact on drinking water?

Officials in Durango, the first town downstream from the spill, moved quickly to shut off its intake valve from the Animas. Tap water there is considered safe to drink, but because the town is now relying on the Florida River for its supply, officials are urging people to conserve. Residents and farmers who rely on wells were switched to alternative sources.

Seven water systems in Colorado and New Mexico may also be affected, as the river carries the contaminants closer to the Colorado River, which feeds much of the West.

What about wildlife?

Officials are still trying to figure out how the spill has affected animals and fish. Tests have not turned up any widespread deaths of fish, or of insects that the fish eat.

When will the Animas River reopen?

The EPA said it did not anticipate making any decision about making the river available for public use until at least Aug. 17.

Has the leak at the mine itself been stopped?

Contaminated runoff is still flowing from the abandoned Gold King Mine, the Durango

Herald newspaper reported.

How many of these mines are out there?

The Gold King Mine is one of thousands of mines that drove the local economy until the early-20th century. All are now closed. Some are now tourist attractions. All maintain a toxic legacy, as groundwater flows through the old tunnels and picks up pollutants.

How did the spill happen?

Locals have been debating how to stem the flow of hazardous chemicals from the mines, but resisted allowing the EPA to declare the mines a federal Superfund site, fearing the impact on the economy. Instead, the EPA decided on a softer approach: go into the worst of the abandoned mines, measure the level of pollution, treat the sludge and figure out whether more remediation was necessary. That's what an EPA crew was doing at Gold King Mine on Aug. 5, when it accidentally broke through a mound of material blocking the tunnel, letting loose the toxic plume.

Who's paying for the cleanup?

The details are far from clear. But it's assumed that the EPA will end up the focus of millions of dollars in claims. In the short term, federal and state officials are shouldering the immediate costs of responding to the spill.

### **Reuters**

<http://www.reuters.com/article/2015/08/12/usa-colorado-spill-idUSL1N10M1JV20150812>

### **CORRECTED-UPDATE 1-Restrictions to remain for rivers hardest hit by Colorado mine waste spill**

Steve Gorman

August 11, 9:36 PM

Aug 11 (Reuters) - New Mexico officials have joined Colorado in declaring an emergency due to toxic wastewater spewing from an abandoned gold mine, a spill that prompted authorities to close two rivers to drinking water and irrigation intakes for at least another week.

The San Juan River and its northern tributary, the Animas River, have been fouled by the release of more than 3 million gallons (11.3 million liters) of acid mine drainage inadvertently triggered by a team of Environmental Protection Agency workers last Wednesday.

The discharge has continued to flow at the rate of about 500 gallons (1,900 liters) a minute from the site of the century-old Gold King Mine, near the town of Silverton in southwestern Colorado, into a stream below called Cement Creek.

From there, the wastewater has washed into the Animas River and into the San Juan River in northwestern New Mexico.

The bright orange contamination plume, containing heavy metals such as arsenic, mercury and lead, has dissipated through dilution as it spreads downstream, with its leading edge no longer visible from aerial surveys, the EPA said.

"From initial sampling, as the plume has advanced, we are seeing elevated levels (of contaminants), but as it moves on we are seeing a downward trajectory toward pre-event conditions," EPA chief Gina McCarthy said at a clean-energy event in Washington.

The Animas River in Durango, Colorado, about 50 miles (80 km) south of the spill, had turned bright, lime green by Sunday, and was a darker shade of blue-green by Tuesday, a sign that pollutants were gradually clearing, at least near the surface, said Sinjin Eberle, a spokesman for the conservation group American Rivers.

But experts said a long-term concern was the deposit of heavy metals from the spill that had settled into river sediments, where they can be churned up and unleash a new wave of pollution when storms hit or rivers run at flood stage.

An unspecified number of residents who live downstream from the mine and draw their drinking supplies from private wells have reported water discoloration, but there has been no immediate evidence of harm to humans, livestock or wildlife, according to EPA officials.

Still, residents have been advised to avoid drinking or bathing in water drawn from wells in the vicinity, and the government is working to supply water as needed to homes, ranches and farms.

Two Colorado municipalities, including the city of Durango, and the New Mexico towns of Aztec and Farmington have shut off their river intakes, the EPA said.

#### POSSIBLE LEGAL ACTION AGAINST EPA

EPA officials said the Animas and San Juan rivers would remain closed until at least next Monday to such uses as the supply of drinking and irrigation water, and fishing and recreation as experts try to gauge safety risks posed by the spill.

Wastewater still escaping from the mine site was being diverted into hastily built settling ponds where the effluent is treated before it empties into Cement Creek, sharply reducing its acidity and metal levels, the EPA said.

New Mexico Governor Susana Martinez declared a state of emergency on Monday, freeing up an additional \$750,000 for disaster response, and said she was directing her administration to "be prepared to take legal action against the EPA."

Colorado Governor John Hickenlooper declared his own "state of disaster" emergency on Monday, and vowed to take actions to "make sure this doesn't happen again."

Colorado has more than 4,000 abandoned mines, about 1,100 of them around Silverton, according to American Rivers, which calls those sites "ticking time bombs."

The Navajo Nation has also been affected. Its sprawling reservation is traversed by the San Juan River, which flows through southeastern Utah into Lake Powell.

It was uncertain how far significant contamination from the spill would travel, but EPA officials said on Tuesday the leading edge of the original burst of contamination had moved well beyond Farmington.